
GUATEMALA JUSTICE PROGRAM

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FINAL REPORT

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

When Checchi and Company Consulting, Inc. began implementing the USAID-funded Guatemala Justice Program (the Program) in June 1999, Guatemala had recently emerged from a prolonged period of civil war characterized by non-democratic military governments, racial conflict, weak institutional capacity and the denial of access to justice for many. The Peace Accords signed by the Government of Guatemala in 1996 provided the framework for establishing guarantees for a reformed justice system, protection of human rights and the inclusion of all ethnic groups in the political system. The Peace Accords established a tripartite base which included the following: (1) a modernized, more effective formal justice system; (2) the increased use of alternative dispute resolution mechanisms; and (3) the recognition and incorporation of customary legal norms that addressed the particular needs of Guatemala's indigenous majority. A predecessor USAID-funded justice sector project had initiated implementation of the reforms called for in the Peace Accords, and the 1999 Justice Program was designed to further consolidate these reforms. The Program extended from June 1999 until October 2004, including the option period of the contract. This Final Report is structured around the four Program components that were implemented over the life of the contract.

A. Continued Replication, Extension and Institutionalization of the Justice Center Model

One of the principal accomplishments of the Justice Program was the expansion and institutionalization of the Justice Centers in Guatemala's interior. At the inception of the Program there were five Pilot Centers that had been developed under the predecessor project. Checchi was contractually responsible for the establishment of six additional Centers during the base period of the contract and four more Centers during the option period. In addition to strengthening the five existing Pilot Centers, Checchi created twelve new Justice Centers during the course of the Program, thus exceeding the number required by the contract. A Justice Center Model (the Model) was developed that resulted in expanding the scope and activities of the original Pilot Centers. The Model incorporated new structures that included Coordinating Units (CUs), Executive Committees (ECs), automated case tracking systems and Community ADR Centers.

The CUs are comprised of local justice actors, including judges, prosecutors, public defenders and the police, and were designed to improve inter-institutional coordination and establish commitments for improved local administration of justice. Emphasis was placed on increasing the effectiveness of the criminal trial process as mandated in the Criminal Procedure Code (CPC) through an innovative "Oralization Model," a process of oral hearings at the pre-trial stage. The Oralization Model was implemented in 17 First Instance Courts and has been approved at the national level. Through the CUs other reforms were piloted and then elevated to the national level, including: coordinated criminal investigations, increased use of alternative dispute resolution mechanisms, and local anti-crime and crime prevention plans. The CUs achieved unprecedented levels of inter-institutional coordination in the justice sector, served as local laboratories for reforms at the national level, and vastly improved communications between the justice institutions and the civil society.

The Executive Committee was incorporated as a part of the Justice Center Model to enable the civil society to work jointly with justice sector actors to facilitate dialogue, promote education about the justice system, and make recommendations for reform. ECs exist in 15 Centers and are legally recognized as NGOs under Guatemalan law. They are central to guaranteeing access to justice for indigenous people and other marginalized groups. NGOs, municipal authorities, universities and justice sector actors constitute the ECs' membership and jointly determine their agendas. Sub commissions were formed around agenda items such as anti-lynching, domestic violence, gender concerns, and crime prevention. ECs developed communications programs that disseminated information about the Centers and the justice system. The ECs have developed the capacity to operate at the national level and are some of Guatemala's most effective justice related civil society groups. In addition, Checchi worked with both the Judicial Branch and the Public Ministry to implement improved automated case management/and or evidence handling and storage systems in Justice Center jurisdictions.

Sustainability of the Justice Center Model is ensured through its visible impact and the acceptance by counterparts of its various components. ECs receive sufficient internal and outside assistance to be self-sustaining and the CUs will achieve official recognition once the organic law of the *Instancia Coordinadora para la Modernización de la Justicia (Instancia)*, drafted with Program support, is adopted. Salaries for the Center coordinators will be paid by the *Instancia* once the Justice Center Model is incorporated into the official structure. The CU model has been replicated in non-Justice Center contexts, as well as 5 *Centros de Administración de Justicia* sites supported by the *Instancia*. A national network of Justice Centers promotes sustainability, and inter-institutional coordination has now become the norm at the national level in Guatemala.

B. Sustainable Institutional and Policy Reform within the Justice Sector

The Justice Program concentrated on the strengthening of four primary institutions in the justice sector in carrying out this component: the Public Ministry (PM), the Public Defense Institute (PDI), the Judicial Branch and the institutional Training Units. The Program conducted a comprehensive institutional assessment of the PM, an institution with serious structural, management and personnel problems. The assessment made various recommendations, including improving coordination with the police in investigations, revamping the institution's training plan to improve performance, strengthening management of District Attorney Offices in the departments, and implementing an internal disciplinary regime.

The assessment was presented to the PM, and although formally accepted, there was no institutional action based on the recommendations. Despite this situation, Checchi achieved modest results in certain areas, e.g. strengthening of local District Attorney offices in Justice Center locations, as well as the Offices of Victims' Assistance (OAV) and the Offices of Permanent Attention (OAP). Improvements were also made in various Center locations in case handling and purging, and the management and storage of evidence. New training modules covering such subjects as Management of the Crime Scene were implemented through the Training Unit of the Public Ministry (UNICAP).

In 2002 with the appointment of a new Attorney General, the Program collaborated on the development of an ambitious reengineering plan (the Plan) aimed at improving the PM's performance

in the prosecution of crimes. Many of the Plan's components were subsequently implemented during the option period, including restructuring of the Guatemala City DA offices into specialized crime units, drafting of manuals defining the duties of the prosecutors and evidence handling, and an institutional agreement on coordination of criminal investigations with the police. Checchi assisted in implementing provisions of the Plan in DA offices in the departments.

Support to the PDI was limited to the first phase of the Program. Through assistance in drafting and adoption of an internal PDI regulation, the Program supported national case management and statistics systems, the creation of a supervisory unit that monitors performance, and the strengthening of UNIFODEP, the PDI training unit. Checchi assisted with training of all public defenders that improved their capacity to handle defense cases.

Assistance to the Judicial Branch centered initially upon a pilot case tracking/handling pilot (CAGP) that became the principal court administration model in criminal cases. With Program support, the Supreme Court institutionalized the automated case tracking systems at the national level. A model criminal court was designed in the Justice Center jurisdictions with the goal of ensuring compliance with procedural deadlines established by the CPC. It is likely that the new Supreme Court will adopt the model court in its entirety.

Assistance to the Justice Sector Training Units focused on developing training modules that covered areas such as criminal law and procedure, criminal investigations, alternative dispute resolution, indigenous law and oral trial skills. Trainings that implemented these modules were conducted at various Justice Centers. Additional support was provided to the Judicial Training School, and the Program collaborated in establishing a training unit in the National Bar Association.

C. Improved Legal Education

The Program focused technical assistance efforts in carrying out curricular reforms at the *Universidad de San Carlos* (USAC). Checchi supplied a group of international law professors who worked closely with the deans, particularly the Dean of USAC and other academics, to design the new curricula that was closely linked to the new criminal procedure code. The newly adopted curricula were approved in 2001 and designed to take effect progressively, starting in academic year 2002. Some of the courses eventually introduced into the new curricula include constitutional procedure, human rights, indigenous law and forensic medicine. Detailed plans were formulated for extending the new curricula to areas outside the central USAC law school, but due to political and other factors, this expansion is still pending.

An externship or "*pasantía*" program for law students was designed and implemented to permit law students to obtain practical skills by working in justice institutions. After receiving initial training with Program support, students worked in the Judicial Branch, the Attorney General's Office, and the Public Defense Institute. The externship program has been institutionalized and has over 280 participants. The Program also carried out an evaluation of the administrative and financial procedures of the USAC law school, making a number of recommendations.

The Program assisted in designing a Master's Degree program in Indigenous Law at USAC, which was initiated in March of 2001. The degree program was implemented with the assistance of the Institute of Juridical Investigations of the *Universidad Autónoma de México*, and by 2002 all course work was completed for the first graduating class.

The Program assessed the state of high level educational standards used by law faculties, and a determination was made to make uniform and improve those standards. The Program worked with a number of deans on proposing uniform standards and creating an inter-institutional accreditation body. Likewise, the Program proposed a redesign of the "lawyers' exams" that are the primary instrument for licensing lawyers. Proposals were made to restructure the certification process based on uniform standards. Final implementation of both the accreditation and the lawyer's exam reforms is pending.

D. Non-formal Dispute Resolution and Linkages with the Formal Justice System; Consolidation of Community ADR Centers

The Program focused heavily on increasing the use of customary law and non-formal dispute resolution mechanisms. A comprehensive study evaluated the relationship of the formal system to issues of Mayan law. The results of the study were widely disseminated and included recommendations for more interpreters among other matters. The Program sponsored a series of workshops with the civil society and various justice institutions, including the Supreme Court, to share the information and create conditions necessary to implement the recommendations. The need for sensitivity training for justice sector operators in indigenous issues and the importance of hiring bilingual justice operators were two of the major conclusions reached. A national level media program was launched through the Justice Centers to raise awareness of indigenous populations regarding their rights and responsibilities under the reformed laws, and to sensitize justice actors to the importance of non-formal dispute resolution law and mechanisms.

As a means of increasing the use of alternative dispute resolution, a model Community ADR Center (CAC) was designed after an assessment of ADR mechanisms in five different communities. Using the CAC Model, 16 CACs were established in eight different departments that have to date mediated over 3,000 cases. The CACs were made sustainable through initiatives that increased their acceptance and support, such as local participation in the planning process, training of local leaders and participatory selection of mediators. An active network of CACs strengthens their individual sustainability.

**CONTINUED REPLICATION, EXTENSION AND INSTITUTIONALIZATION
OF THE JUSTICE CENTER MODEL**

I. CONTINUED REPLICATION, EXTENSION AND INSTITUTIONALIZATION OF THE JUSTICE CENTER MODEL

A. JUSTICE PROGRAM ACCOMPLISHMENTS IN THE JUSTICE CENTERS

1. Justice Centers Generally

One of the principal overall accomplishments of the Justice Program was the development and consolidation of the Justice Center Model. Checchi redefined the Justice Center Model, which not only proved functional but sustainable. When the Justice Program began in 1999, five pilot “*Centros de Enfoque*” had been initiated under CREA/USAID (Escuintla, Zacapa, Quetzaltenango, Petén and Santa María Nebaj). After initial assessments of the existing Centers, it was apparent that only one of them (Quetzaltenango) had achieved any meaningful level of inter-institutional coordination. Most efforts in the Pilot Centers had aimed at implementing case tracking systems, limited training, and administrative reorganization.

During the course of the contract, Checchi designed and supported the implementation and monitoring of numerous institutional components of what would later be known as the Justice Center Model. The current Model includes five different principal components: (1) the composite Justice Center; (2) the Executive Committee (EC); (3) the Coordinating Unit (CU); (4) the Criminal Case Tracking and Handling Systems; and (5) the Community ADR Centers (CACs) (discussed in Section IV below). The Model adopts modern strategic planning processes as well as modalities to secure its sustainability. During the Justice Program, Justice Centers were opened and/or strengthened in locations and on dates indicated at *Annex 2*.

An important part of the Justice Program’s efforts have been directed at ensuring the ongoing sustainability of the Justice Center Model. Toward this end, the location of the JC office was generally selected within a justice sector institution to facilitate institutionalization. Institutional components of the JCs were developed through participatory processes; local actors actively supported the Center development which strengthened sustainability at the local level, and strategies were adopted that aided their expansion and institutionalization at the national level. With the extensive participation, commitment and leadership of the local civil society and GOG justice sector actors, the Model and its chief components have been adopted in their entirety by local justice actors. In fact, large sectors of the population readily identify and recognize the Justice Centers and their institutional components as well as their contributions. There is high demand for their expansion and institutionalization.

In October 2003, as a key part of the Justice Center sustainability strategy, a National Network of Justice Centers (CUs and ECs) was created in order to increase the level of cooperation among the Centers, including the drafting of proposals for reform at the national level. Two national level conference-workshops were held to consolidate the Network and plan for national and regional level activities. This Network continues to function, forming an important base for the sustainability of the Justice Centers.

Early in the Program, it was determined that the most appropriate national entity for institutionalizing the Model was the *Instancia Coordinadora para la Modernización de la Justicia*, Guate-

mala's inter-institutional justice body. To strengthen the *Instancia* and its capacity for this purpose, a model for the Justice Administration Centers ("*Centros de Administración de Justicia*" or CAJs) and a strategic plan for the Executive Secretariat (ES) of the *Instancia* were designed and implemented with the Program's support. Furthermore, a draft organic law was prepared in close coordination with the *Instancia*, to give both the *Instancia* and its Executive Secretariat (ES) formal legal recognition and the basis for binding operative regulations regarding their operations. The draft law expands the functions of the *Instancia* and incorporates, both in financial and functional terms, the Justice Center and the CAJ Models as integral parts of the *Instancia*.

2. Coordinating Units

In order to strengthen the justice system and promote coordinated reform, the "Coordinating Unit" (CU) concept was developed as an integral part of the Justice Center Model. The CUs were designed as a mechanism through which the highest ranking local representatives of the National Police (NCP), the Public Ministry (PM), the Public Defenders Institute (PDI) and the Judicial Branch could discuss issues and recommend and monitor the implementation of improvements to the reformed criminal justice system. The CUs also served as the local focal points for the implementation of national level inter-institutional coordination mechanisms, e.g., the agreement reached between the Ministry of Government and the PM regarding the coordination of criminal investigations. The CUs were used as instruments to design and pilot innovative reforms such as the oralization of the initial stages of the criminal justice process that was subsequently institutionalized at the national level. They were designed as the principal mechanism through which the training needs were determined and training provided to justice sector operators by the Justice Program at the local level. Coordinating Units have been established in all 17 of the Justice Centers referred to above. Additionally, it is important to mention the fact that the concept of the CU has been adopted in several locations where no Justice Center formally exists (Santa Lucia Cotzumaluapa, Escuintla; Coatepeque, Quetzaltenango; Amatitlán, Guatemala) and in a modified manner in 5 of the *Centros de Administración de Justicia* (CAJs). It was adopted under the auspices of the *Instancia* in Nebaj, El Quiché; Ixcán, El Quiché; Santa Eulalia, Huehuetenango; Santiago Atitlán, Sololá; and Ixiguán, San Marcos.

In 2002, through a participatory process, a CU Model was designed based on the first three years of Checchi's experience in working with the CUs. This included the development of an instrument to facilitate the CUs expansion to the national level. In addition to describing the mission, vision and principal objectives of the CU, the CU Model defines the participants of the CU (the FICC judge, the District Attorney, the PDI, and local Chief of Police) as well as the other local officials, such as justices of the peace, private attorneys, and forensic experts, who were encouraged to participate in an "Expanded CU." It also identifies the principal activities of the CU, which include: 1) the identification and analysis of problems or priority themes for the local administration of justice; 2) increasing the reliance on jurisprudence and other legal resources in the daily functions of the justice sector operators; 3) the generation of discussion and debate by justice sector operators; 4) the collective identification of solutions and agreements; 5) implementation of reforms in each justice sector institution at the local level; 6) follow up and evaluation of solutions and agreements implemented; and 7) the formulation of proposals and requests to superior authorities.

The CUs achieved a number of accomplishments. Most importantly, their operations improved coordination among the justice sector operators in all the JCs where they were implemented. Establishing monthly or bi-monthly meetings and detailed procedures for reaching agreements were important goals of the CUs. At the beginning, these meetings generally took place at the initiative of and with extensive Justice Program support, as requested. Having established the coordination mechanisms through the CUs, the CUs gradually began meeting regularly on their own with only minimal support from the Justice Program. An important part of CU functions was the annual identification of an action agenda and the development of mechanisms to reach agreements, make recommendations and implement and monitor agreed upon improvements to the criminal justice system.

Probably the most important theme of discussion addressed in the CUs throughout the Program was that related to the need to increase the effectiveness, efficiency and transparency of the criminal process through the implementation of the initial stages of the Code of Criminal Procedures (CPC). The criminal justice system in Guatemala was transformed into an “accusatory” system based on oral principles when the CPC entered into effect in 1994. However, in practice, the system still operated under the inquisitive framework in many respects. At the initial stages of the process, for instance, where the system relied upon written submissions rather than oral hearings regarding the legal situation of a criminal detainee, judicial functions were carried out by clerks without the presence of the first instance criminal judges. Decisions in such cases were made in secret, few cases were resolved prior to trial despite the many alternatives to trial, notification processes were inadequate, and there were unreasonable delays in reaching final decisions.

Checchi assisted with the design and implementation of a pilot at the Zacapa Justice Center to oralize the initial stages of the criminal justice process. The reformed system focuses on oral hearings at the preliminary stage as well as other important procedural changes, including the observing of benchmarks required by the CPC to avoid unreasonable delay. On the basis of this pilot experience, the oralization model was proposed and implemented thorough the CUs at the national level with the full support of the Criminal Chamber of the Judicial Branch and the other justice sector institutions.

The methodology developed to incorporate the oralization model involves the following steps, directed principally at the First Instance Criminal Court (FICC), but carried out in close coordination with the other justice sector institutions, through the CUs:

- Reach consensus within the CU regarding adoption of the oralization model;
- Hold training sessions for all justice sector, penitentiary system operators and private attorneys on concepts of basic orality;
- Define and implement new roles of justice sector operators in the criminal process;
- Organize observational tour (in most cases, to Zacapa) regarding the functioning of oralization system;
- Establish hearing rooms within FICCs (the Justice Program provided minimal equipment, such as computers and basic office furniture, and assisted with the remodeling of physical space for hearing rooms);
- Implement the oralization system; and

- Monitor the functioning of the oralization system

The oralization system has been implemented in a total of 18 FICCs at the national level, located in 13 of the 15 Justice Center locations.¹ In addition, it has been implemented in several locations where there are no Justice Centers, including the FICCs in Santa Lucia Cotzumalupá, Amatitlán and on a pilot level in four of the 11 FICCs in the *Torre de Tribunales* in Guatemala City. In all locations where it has been implemented, the oralization system has produced important results. These have included:

- The uninterrupted presence of the FICC judge during the most important procedural steps of the process;
- Improved compliance with the 24 hour mandated time frame to present the accused to the FICC judge;
- The resolution and notification to parties of juridical issues by FICC judges more rapidly during the oral hearings;
- More involvement of justice actors in the process (prosecutors and defenders) and an increase in inter-institutional coordination in the resolution of cases;
- Increased use of alternatives to trial and at an earlier stage in the process; and
- Reduced case processing time from the date of detention to the time the case leaves the FICC (see relevant indicators at *Annex 3*).

From Rags to Riches – the Zacapa Justice Center Story

When the Justice Program first visited Zacapa in July of 1999, the “*Centro de Enfoque*” was about to close and the office space about to be taken over by the Appeals Court. The previous FICC judge had been recently transferred, and the new Judge was struggling to organize a conflictive and chaotic FICC. There was extensive corruption at various levels of the criminal justice system, from the Police to the clerical staff of the FICC. In support of the new FICC Judge, the Justice Program began to promote the creation of the CU, which proved difficult, as there was little communication among justice sector operators.

The first meetings of the CU were contentions and involved heated arguments. After a couple of months, the operators began to address the underlying problems. First, the CU moved to eliminate the inquisitive practices inherent in the initial stages of the criminal system, and focus on the use of the “oral” procedures of the new accusatory CPC. The Zacapa CU decided to establish oral hearings at the initial stage of the criminal process. At first, the experiment proved difficult. Once mechanisms to insure the physical presence of defendants were established, the DAs Office assigned a prosecutor to be permanently present in the Court for all first declarations. What was initially inconceivable became a reality when the first oral hearing took place.

With the introduction of the preliminary hearings, private attorneys complained to the Supreme Court, accusing the FICC Judge of illegal procedures that adversely affected the proper functioning of the judicial system. The Justice Program and the Zacapa CU worked with the private attorneys to facilitate their intervention in the hearings, and the attorneys soon began to participate in the system. The experience in Zacapa proved to the justice sector operators that by establishing effective coordination mechanisms, they could actually improve the administration of justice in their jurisdictions. Interviews with the justice sector operators and private attorneys indicated a 100% approval rating for the endeavor. The oralization system developed by the FICC and the CU in Zacapa, quickly became the model which would later be replicated at all Justice Center locations and at the national level as well.

Other important themes which have been addressed by the CUs include:

- Improving Coordination of Criminal Investigations
 - Improving the quality of police reports (in 15 JCs and 3 non-JC CUs)
 - Issuing and Execution of Search warrants (in 15 JCs and 3 non-JC CUs)

¹ The system was not implemented in Huehuetenango or Villa Nueva.

- Improved handling of physical evidence (in 15 JCs and 3 non-JC CUs)
- Handling of Crime Scene Investigation (in 15 JCs and 3 non-JC CUs)
- Increasing the Use of Alternatives to Trial (in 15 JCs and 3 non-JC CUs)
- Improving the Quality of Judicial Resolutions (in 14 CUs)
- Improving the Quality of Pre-Trial Detention Orders (in 14 CUs)
- Local Anti-Crime Policies (in 5 CUs)
- Local Crime Prevention Plans (in 5 CUs)

On a more qualitative level, the operation of the CU model has permitted important changes in the institutional culture of the local justice sector institutions that include increased clarity of institutional roles, enhanced ability of operators to identify system-wide problems, and the reaching of inter-institutional consensus.

Justice Center Coordinating Units - Statistics
<ul style="list-style-type: none"> • 23 CUs operational at the national level • 234 justice sector operators actively participating in local CUs • More than 2000 annual coordination meetings of the CUs held each year • 280 inter-institutional CU agreements reached annually in eight broad areas, resulting in a total of 439 institutional level implementation decisions • 303 annual concrete results (defined as a concrete change in the justice systems resulting from the inter-institutional agreements mentioned above)

As was the case with the Justice Center Model as a whole, an important part of the Justice Program’s efforts were directed to ensuring the sustainability of the CUs after the end of Program assistance. The CUs have been fully incorporated at the operational day-to-day level in all of the Justice Center locations, as well as in the three additional locations where formal Justice Centers do not exist. The justice sector operators have participated extensively in the development of the goals and objectives of their CUs and meet regularly to implement the agreed upon work plans and agendas. The CU model is well recognized by local civil society groups as well as by the higher-level justice sector authorities. Although justice sector personnel frequently rotate from one location to another, often temporarily complicating the functioning of the CUs affected, this phenomenon has also led to the creation of CUs in the places to which former CU members were rotated, as in Amatlán, Coatepeque y Santa Lucía Cotzumalguapa.

By their nature as inter-institutional coordination mechanisms, the CUs, unlike the ECs (described below), cannot function as totally independent institutions. They require some form of permanent state support, both in technical as well as in administrative areas. Although the Justice Centers themselves continue to provide this support, the most logical candidate for filling this role as well as the national level coordination required by the CUs is the *Instancia*, through its ES. Once the *Instancia*’s Organic Law is passed, these functions will be transferred to that body.

By their nature as inter-institutional coordination mechanisms, the CUs, unlike the ECs (described below), cannot function as totally independent institutions. They require some form of permanent state support, both in technical as well as in administrative areas. Although the Justice Centers themselves continue to provide this support, the most logical candidate for filling this role as well as the national level coordination required by the CUs is the *Instancia*, through its ES. Once the *Instancia*’s Organic Law is passed, these functions will be transferred to that body.

3. Executive Committees

Recognizing the need to establish close communication and coordination with the users of the justice system and to increase access to justice for all sectors of the population, the concept of the “Executive Committee” (EC) was also designed and incorporated into the Justice Center Model. The EC was conceived as the organizational mechanism to facilitate dialogue, constructive analysis of the functioning of the justice system and the making of recommendations for reforms

and improvements. It was designed to include the participation of municipal and other local authorities, local NGOs, universities, and justice sector operators.

Executive Committees were formed and strengthened in all of the Justice Centers. In most of the Justice Centers, the CUs (which were created initially in the JCs) undertook the first steps with regard to the creation of the ECs, including the carrying out of an inventory of local NGOs and other civil society groups interested in justice or access to justice issues. Initial meetings were convened to present the EC concept to justice sector operators and organized civil society representatives. Initially, before the development of the EC Model, each EC worked in a general manner on a number of issues, including inter-institutional coordination, identifying and discussing problems of the administration of justice, and supporting training courses on specific themes. They also discussed the importance of increasing communication and cooperation between civil society and the justice sector, and disseminating information about the justice sector to their respective communities.

As the ECs grew in size and scope, it became apparent that a more systematic and specialized approach was needed. Strategic planning exercises were initiated in each existing EC from 2001 to 2002. The same planning processes were applied in a systematic fashion in all subsequently created Justice Center ECs. The planning process included the EC's collective definition of its mission, its overall vision and principal objectives, and the creation of theme-specific sub commissions. Although the nature of the sub commissions varies from one EC to another depending on local circumstances, the most commonly occurring themes addressed include topics such as gender, domestic violence, alternative dispute resolution, indigenous law and crime prevention. Other themes of importance to the ECs are public security, prevention of lynchings, functioning of the criminal justice system, environmental law, the penitentiary system, land conflicts and labor law. Each sub commission developed detailed action plans, and support was provided in the execution of these plans. At the end of the Justice Program, it was estimated that approximately 70% of the objectives of the EC strategic plans were met.

Beginning in 2002, Checchi used a highly participatory process to design an EC Model that systematized the first three years of its experience in working with the ECs. The process also established an instrument to facilitate their expansion to the national level. In addition to describing the mission, vision and principal objectives of the EC, the EC Model defines the participants of the EC that, in addition to local justice sector operators, include members and leaders of the civil society, religious and traditional authorities, and representatives of universities, the private sector, and international projects. It also identifies the principal activities of the EC, which include: (1) increasing communication among its members; (2) joint assessment and evaluation of problems in the justice sector; (3) the making of joint proposals to solve problems; (4) the execution of agreements; and (5) the verification of results of the agreements reached. The structure of the EC is constituted of a General Assembly of all members, an elected Board of Directors, sub commissions grouped by themes, and a voluntary support team.

The ECs have been extremely active and effective in their efforts, and in total, carry out over 2000 activities per year, constituting quite probably one of the largest justice related civil society endeavors in Guatemala. EC's sponsor a wide variety of activities through their sub commissions, some of which have included the development of communication strategies and procure-

ment of radio, television and the print media spots to broadcast information regarding the justice system and access to justice. Other themes involve training justice sector operators and community groups in mediation, and coordinating and establishing referral mechanisms with local Community ADR Centers (CACs).

Some ECs have focused on domestic violence, providing sensitivity training, developing strategies to address domestic violence and its victims, and establishing coordination mechanisms to

Justice Sector Executive Committees – Statistics

- 15 Executive Committees established and given legal recognition as NGOs under Guatemalan law
- 13 municipal level Sub-Committees established
- Over 680 concrete results achieved (defined as a concrete change resulting from an EC intervention) from 2002 to 2004
- Execution of approximately 2000 activities per year by the ECs
- 186 inter-institutional agreements promoted on a variety of themes
- 66 Ordinary and Extraordinary General Assembly Meetings held
- 196 Sessions of the EC Board of Directors held
- 488 EC Work Commission meetings held
- 133 meetings held with volunteer Support Team
- 15 non-Justice Program financial projects granted to and executed by ECs
- Over 300 different NGOs and civil society groups participating in ECs
- Over 82% of ECs activities financed with non-Justice Program funds
- Over \$173,700 annually (using 2003 figures) in donations to ECs
- Over \$158,000 annually (using 2003 figures) in externally funded projects awarded to and executed by ECs

to improve the handling of domestic violence cases. Some have developed and implemented local crime prevention plans and strategies, holding coordination meetings with the CUs. An important agenda item has been establishing strategies to provide immediate responses to lynchings or attempted lynchings. Another important subcommission function has been to establish mechanisms

to identify possible conflicts in land cases and refer disputants to CACs or CONTIERRA (the GOG institution charged with resolution of land conflicts), and to promote mediation in land conflict cases. Other activities include training and education regarding environmental laws, and the training of local justices of the peace to deal with mediation and domestic violence issues.

Communications and other dissemination activities have proven to be important for ECs, and in 2000 and 2001, ECs developed general communications strategies with Program assistance. Full-time communicators were hired in each EC to coordinate the execution of the strategies. Free space was procured in the mass media (radio, television and print media) by the JC communicators and assistance was provided in the production of media programs to be broadcast. Monthly trainings and information sessions with journalists and other members of the local press were carried out as were training sessions with community leaders regarding justice related issues. Technical and some logistical support was provided to local NGO and community groups for their own communications and dissemination activities.

A series of media dissemination “kits” that included popular education materials and radio spots centered on cross-cutting issues, such as the Justice Centers, roles and functions of justice sector institutions, and domestic violence. Kits on mediation, corruption, and a multi-themed package covering Prevention of Lynchings, Human Rights, Peace Accords, Indigenous Law and Due Process, were developed and utilized in 15 ECs. In coordination with MINUGUA, the U.S. Embassy and other USAID projects, Checchi also supported numerous complementary activities to strengthen the press at the national level, such as a “*diplomado*” course for journalists which focused on democracy and human rights. The ECs facilitated extensive training for journalists in

justice sector, criminal justice and indigenous law related issues. A Glossary of Judicial Terms was produced and distributed to journalists, and is regarded as a useful tool to understand and accurately report on justice related issues. As a result of Checchi's support in these areas, press coverage of justice sector issues has increased dramatically, and the population is better informed regarding the justice sector and access to the same.

As with the other components of the Justice Center Model, achieving the sustainability of the ECs has been an important Justice Program priority. Key to achieving the sustainability of the ECs was assisting them with the process of obtaining legal recognition as independent NGOs. Currently, all 15 of the JC Executive Committees have been legally constituted (with "*personalidad jurídica*") under Guatemalan law, and have elected and integrated Boards of Directors, approved organizational statutes and appropriate municipal and national level registrations.

Executive Committee Communications Strategies – Statistics

- 15 EC Communication Strategies developed and executed
- 295 fixed free media spaces procured (radio, TV, written press)
- 645,441 radio spots transmitted free-of-charge (valued at US \$1,452,242)
- 5,180 radio and TV opinion programs broadcast
- 3,023 press bulletins transmitted
- 337 members of the media trained
- Over 9000 persons in the community received popular education trainings

ECs currently solicit their own funding and other donations in order to carry out their operations. A fund was established by the Justice Program for each EC to finance specific activities within the work plans of the sub commissions. Additionally, ECs were encouraged to seek funds and donations from local, national and international sources to finance the execution of their work plans. This has greatly facilitated the ongoing sustainability of the ECs. According to Justice Program records, by September 2004, ECs were financing over 82% of their activities with non-Justice Program funding and donations. At the end of the Program, the ECs were functioning with little or no support from the Program itself. Each EC will have to evolve according to the commitment of its participants.

4. Criminal Case Tracking and Handling Systems

During the base and option contract periods, the Justice Program supported the expansion and institutionalization of administrative case handling systems in justice sector institutions located in the Justice Center jurisdictions. This activity became so important that it has been denominated a separate component of the Justice Center Model. Checchi worked with both the Judicial Branch and the Public Ministry in the implementation of improved case handling systems.

In the Judicial Branch, automated case tracking and file management systems were implemented in all FICCs at Justice Center locations (*Centros de Recepción, Registro e Información*). In those locations where the FICC and the Criminal Trial Courts (or two or more FICCS) were located in the same building, common clerks' offices were designed and established (*Secretaría Común* or CAGP), to create additional efficiencies in court administration. These systems, in general, provide the following functions and services:

- Centralized reception of documents;
- Input and updating of case information in an automated case tracking system;
- Production and service of official notifications;

- Information to the public; and
- Centralized file archiving and consultation systems.

See *Annex 4* for a complete list of the systems that were implemented in the Judicial Branch.

Success Story: Preventing Lynchings in Alta Verapaz through the CORIL

Lynchings and other mass violence have been serious problems in Guatemala. From 1996-1998, there occurred an average of 5 lynchings per month. This rose to 10 per month in 1999, including the lynching of the Justice of Peace in Xenahu, Alta Verapaz. The Justice Program addressed this disturbing phenomenon by developing anti-lynching strategies through the Alta Verapaz and El Quiché Justice Centers.

In Alta Verapaz, the recently founded Justice Center CU, formed a Commission known as the CORIL (*Comisión de Respuesta Inmediata Contra los Linchamientos*) in July 2001. The CORIL is made up of local justice sector operators as well as the Governor. MINUGUA and the *Procuraduría General* participate as observers. CORIL acts to establish a commission to react immediately to a threat or occurrence of a lynching and coordinates actions when a lynching occurs; a network of community leaders to coordinate the immediate response to lynchings and prevention activities is also established.

National authorities of the Justice Sector Institutions recognize and support the CORIL. On CORIL's request, the NCP made 60 special force police officers available in Alta Verapaz. A serious problem in Alta Verapaz had been land disputes and violations of private property that had often led to mass violence and lynchings. CORIL made a direct request to President Portillo in 2002 to intervene in Alta Verapaz. The President answered their request and empowered the Governor to successfully mediate a number of conflicts. On October 8, 2002, after a lynching occurred in Rubel Cruz in San Pedro Carchá, CORIL representatives rapidly facilitated the immediate arrest of two suspects.

The CORIL, converted into a sub commission of the Alta Verapaz EC, is widely recognized by the population in Alta Verapaz and works closely with community leaders to disseminate information regarding the prevention of lynchings. Information is also aimed at defining the roles and functions of justice sector institutions to prevent "vigilante" justice and facilitate access to the justice system. For the last two years, the number of lynchings has been significantly reduced in Alta Verapaz.

In addition, continuous support during both the base and option contract periods was provided to the Common Clerk's Office (*Centro Administrativo de Gestión Penal* or CAGP) in the *Torre de Tribunales* in Guatemala City. In response to the CAGP's needs, the Justice Program provided extensive technical and logistical support, including: technical and information management support for the proper functioning of the software platforms; assistance in programming and installing a modern software platform; logistical and technical assistance in organizing and maintaining the Centralized Filing System ("*Archivo Unico*"); and the implementation of new functions and attributes to the CAGP as required and/or requested by the Supreme Court²

The Program supported and achieved the institutionalization of the CAGP within the Judicial Branch. The CAGP originated as a single system in one loca-

tion. With Program assistance it became the entity responsible for coordinating, training personnel, and providing all support and maintenance to case management systems at the national level. This national level coverage of the CAGP was established pursuant to a Supreme Court Decree in May 2004.

An important part of the design of the case management systems was to centralize the filing of cases within the FICCs and the Criminal Trial Courts, thereby limiting the time that each clerk

² Some of functions provided included the control of prison release orders, warrants to seize personal property and orders to return confiscated vehicles to their owners, as well as the management of the registry of detained criminal suspects and condemned individuals.

could maintain physical custody of the case file. These strictures served to combat corruption and prevent the loss of case files, as well as improve the administrative management and the efficiency of the FICCs and Criminal Trial Courts. This was documented in each evaluation carried out during the course of the Justice Program. Automating the case tracking information and establishing the public information function within the courts led to increased satisfaction of the users of the criminal court system and reduced the time the public needed to wait to obtain information about pending cases.

In addition to the assistance provided to the Judicial Branch in implementing improved case handling systems, Checchi also assisted the Public Ministry in increasing its efficiency in case handling and management of physical evidence in the Justice Center jurisdictions. A pilot project was initiated in the Quetzaltenango Public Ministry office to systematize the case filing and evidence handling structures (“*Sistema de Archivos y Control de Evidencias*” or “SACE”). As a part of the pilot, a centralized case archiving system was designed, over 78,000 backlogged cases were purged, and a system to identify, categorize and store physical evidence in a manner respecting the “chain of custody” was designed and implemented.

The full SACE system was later implemented in Huehuetenango, Zacapa, Chiquimula and Cobán. Later in the contract term, and in the context of the reengineering exercise within the PM, support was limited to the design and implementation of the evidence handling component of the SACE system. The systems were installed, with extensive counterpart contributions both in financial and human resource terms, in the PM offices in El Quiché, Escuintla, Sololá, Chimaltenango, Petén, Baja Verapaz, and Jutiapa. Overall, these systems greatly increased the efficiency of the PMs in case handling and evidence use and storage. The SACE system was later adopted by the PM at the national level as part of its reengineering plan, and will be implemented in the near future in all PM offices.

In a similar fashion, an automated case intake and tracking system was designed, implemented and monitored in all of the Offices of Victim’s Attention (“OAV”) in PM Offices in all Justice Center locations (including Santa Eulalia and Nebaj). This system has been entirely institutionalized by the PM and is currently being incorporated as part of the SICOMP system.

B. COMPARISON OF ACTUAL RESULTS WITH EXPECTED RESULTS

At the beginning of the contract, Pilot Centers existed in Zacapa, Quetzaltenango, Nebaj, Escuintla, and Petén. Contractual obligations required the strengthening of the existing Centers as well as the creation of a total of ten new Justice Centers, six during the initial period and four during the option period. These contractual obligations were later modified by the option period contract, requiring the creation of five new Justice Centers during the option period. In total, Checchi created 12 new Justice Centers during the course of the Justice Program (Santa Eulalia, El Quiché, Huehuetenango, Alta Verapaz, Chiquimula, Villa Nueva, and Chimaltenango during the base period and San Marcos, Baja Verapaz, Jutiapa, Sololá, and Sacatepequez during the option period)³ exceeding by one the total number of Justice Centers contractually required to be

³ It should be noted that the Contract originally included Santa Eulalia as a functioning Justice Center, although when the initial exploratory visit was made, it was evident that the Center had not even been designed. Therefore, it was agreed with USAID that Santa Eulalia would be considered as the first new Justice Center opened. As stated

opened. Additionally, CUs were created and the oralization system was implemented in three locations where no Justice Center formally exists (Amatitlán, Santa Lucia Cotzumaluapa and Coatepeque) and the CU mechanism was implemented in 5 CAJs operated under the auspices of the *Instancia*.

In addition to exceeding the number of Justice Centers contractually required, Checchi also greatly exceeded its contractual obligations in terms of the scope and functions of the Justice Centers. Although the Justice Center Model was built upon the solid foundation established by the CREA/USAID project in its Pilot Centers, it went far beyond what had been initially designed in the Pilot Centers. The initial Centers had no real conceptual structure. They were characterized as innovative administrative structures that introduced standards and systems to measure performance of operators, modernize docket and filing systems and unify clerk of court offices. Their objective was to improve the performance of key actors in their assigned roles and promote an integral approach to the administration of justice. They were also designed to promote the use of alternative dispute resolution and the right to justice in indigenous languages.

Upon the initiative and with the assistance of Checchi, however, the functions and attributes of the Justice Centers were greatly expanded to include not only improving the performance of individual justice sector operators as conceived in the base contract, but also the establishment of concrete and systematized mechanisms for increasing inter-institutional coordination (through the CUs). The Model also provided vital coordination and communication between the justice sector and the civil society (through the ECs and their sub commissions). The incorporation of Community ADR Centers and communication and dissemination strategies as a part of the Justice Center Model were likewise crucial in obtaining positive results.

It should be noted that the Justice Center Model, as built and refined by the Justice Program, formed the basis of the contractual obligations with regard to the Justice Centers in the option period contract. As required, all principal components and characteristics of the Justice Center Model⁴ have been completely systematized, institutionalized and made sustainable in the existing Justice Centers.

C. REASONS WHY EXPECTED RESULTS WERE NOT MET AND LESSONS LEARNED

As stated above, for the most part, the Justice Program greatly exceeded the expected results with regard to the creation and expansion of the Justice Centers. The only aspect that was not complied with was securing sources of funding for the Justice Center coordinator's salaries, which was defined as one of the indicators of the sustainability of the Justice Center Model in the

above, there are currently 15 Justice Centers operating, as the Justice Centers created or strengthened with Checchi support in Nebaj and Santa Eulalia were subsequently re-characterized as CAJs and the responsibility for their support was transferred to the *Instancia*.

⁴ As set forth in the option period contract, the principal components and characteristics of the Justice Center Model include the following: the existence of CUs and ECs (including minimally the existence of sub commission on women's access to justice issues), the implementation of the CAGP case tracking system, the existence of OAV intake system and OAP case filtering systems in the PM, the use of strategic planning and performance monitoring, facilitation of training of justice sector operators in accordance with determined needs, oralization of the initial stages of the criminal process, the existence of translator programs, a minimal basic library, local outreach and communication strategies, and the existence of a JC coordinator providing logistical and technical support.

option period. As described above in relation to each of the individual JC components, the fact that the coordinator's salaries were not obtained from external sources has not affected the sustainability of the operating components, which continue functioning and are sustainable. The strategy for achieving the payment of the coordinator's salaries is based on the transformation of the *Instancia* into an entity dedicated to the achievement of inter-institutional coordination at all levels. Included in these new functions of the *Instancia* would be the provision of technical, logistical and financial support to the Justice Centers, including the payment of the coordinators salaries (as is currently done in the CAJs).

Checchi made considerable advances in executing its strategy with regard to the *Instancia*, including providing assistance in drafting an organic law (referred to above), incorporating new functions related to the Justice Centers and securing adequate budget appropriations. However, 2003 was an election year and there were continuous changes of the *Instancia's* institutional representatives that impeded the final approval of the draft law as well as its presentation to the Congress. It is expected that the draft law will be finally approved by all the members of the *Instancia* in the near future and will be approved by Congress in the year 2005, paving the way for the *Instancia* to serve as the principal entity supporting the functioning of the Justice Centers at the national level.

Numerous lessons were learned by Checchi during the six-year Justice Program. These can be summarized as follows:

- In order to institutionalize pilot or other local level initiatives at the national level, it is critical to involve national level authorities in the design and monitoring of the pilot level activities so as to build the necessary political will and diminish resistance for their adoption at the national level at a later point in time.
- Regarding information technology systems, institutional capacity for their support and expansion must be strengthened from the onset to ensure the sustainability of the efforts. If equipment is to be part of the assistance package, it should be provided at an earlier point in time of the contract to facilitate institutionalization as well as avoid problems in securing adequate service and maintenance.
- Given the feudal organization and operation of the Supreme Court, it would have been advisable to establish a continuous working relationship with more than one magistrate to avoid the inevitable "turf battles" between different factions of the Court. In a related fashion, it also would have been advisable to insist upon a closer coordination with the Modernization Unit of the Supreme Court to facilitate alignment of the Program's objectives in the Justice Centers with those of the Supreme Court through the Modernization Unit.
- Although it makes the process considerably lengthier, broad participation in the design of institutional models and their components is crucial for achieving acceptance and sustainability.
- Although the active participation of all of the principal justice sector operators is important to the effective functioning of the Justice Center Model, the participation and leadership of the FICC judge is fundamental. Without such participation, many of the principal characteristics of the Justice Center Model, including the implementation of the auto-

mated case tracking systems, the implementation of CU agreements, and introducing oralization at the initial stages of the criminal process, will be at risk.

- As knowledge about the Justice Center Model spread among justice sector operators and the organized civil society, creation of new Justice Centers and implementation of the principal components of the Justice Center Model were greatly facilitated. As the Justice Center Model gradually become the norm rather than the exception at the national level, demand by justice actors and the civil society greatly exceeded Checchi's capacity to respond with the opening of new Centers. A truly national level effort involving the creation of Justice Centers in at least all departmental capitals and in other locations with a FICC, would have given Guatemala a comprehensive system that would provide access to greater numbers of people and enhance the momentum for national justice reform.
- The CU component of the Justice Center Model proved to be self-perpetuating as was the case in Amatitlán, Santa Lucia Cotzumalguapa and Coatepeque and became a national justice mechanism without additional assistance. The EC component, given its eventual intended nature as an independent NGO, requires at its inception, an external stimulus for its creation and in all likelihood will not become a national level institution if not funded externally, at least during the formative stages.
- At the beginning of the Justice Program, rotation of justice service personnel in and out of Justice Center jurisdictions presented a significant problem, requiring a continual effort to orient and motivate new members to participate in JC activities. With time, however, the rotation of personnel became a key factor in facilitating the opening of new Justice Centers. This was particularly the case with the representatives from the NCP who are among the most frequently rotated. When arriving in a new location, recently rotated NCP representatives would frequently inquire with the other justice sector operators regarding the existence of CUs and in many situations served as principal promoters of the Model and its components.

**SUSTAINABLE INSTITUTIONAL AND POLICY REFORM
WITHIN THE JUSTICE SECTOR**

II. SUSTAINABLE INSTITUTIONAL AND POLICY REFORM WITHIN THE JUSTICE SECTOR

A. PUBLIC MINISTRY

1. Justice Program Accomplishments in the Public Ministry

The Public Ministry should be the central force of the accusatory criminal justice system. Since its inception in 1993, the Guatemalan PM had been plagued by serious problems and inefficiencies, particularly in its capacity to investigate and prosecute criminal acts. In light of this, the first activity carried out in the PM was an institutional assessment in order to evaluate the current situation and develop recommendations that would appropriately direct the Program's technical assistance. In general terms, the assessment contained the following recommendations:

- Improve coordination between the PM and NCP in criminal investigations;
- Restructure (or eliminate) the group of investigators of the DICRI (*Dirección de Investigaciones Criminales*) in light of the fact that their roles corresponded to the NCP and not the PM, and were illegal;
- Design and implement an internal regulation and/or manual for evidence handling systems;
- Design and implement an internal disciplinary regime at the national level;
- Unify the various forensic laboratories operating at the national level;
- Identify and contract multilingual personnel for the Office of Permanent Attention (OAP);
- Improve UNICAP's training plan in order to improve quality of the prosecutors' performance;
- Implement the SICOMP case tracking system at the national level;
- Improve management and coordination with District Attorney (DA) Offices in the departments with particular attention to human resources issues; and
- Prioritize the implementation of the law to protect witnesses and other parties to criminal processes.

The assessment, with its recommendations, was presented to the highest authorities of the PM, including the Attorney General and his team of advisors. Although the recommendations were formally accepted, no institutional capacity or political will was demonstrated to implement the recommendations. Despite these adverse institutional conditions, Checchi was nevertheless able to achieve moderate results in certain concrete areas, mostly in relation to strengthening local DA offices in the Justice Center locations as well as the OAP and the OAV. Technical and logistical assistance was provided to increase PM efficiency in case handling and management of physical evidence in the Justice Center jurisdictions, as described in more detail above. In the Quetzaltenango DA's Office, for example, with Program support, a total of over 78,000 files were registered, organized, and archived and most of the cases were resolved.

Based on the experience in Quetzaltenango, the model for the implementation of SACE (see above) was designed. Similarly, evidence handling and storage systems were designed and implemented in a number of departmental DA Offices. In the OAP, at the central level, a system for

the effective distribution, central filing and purging of backlogged cases was designed. To date, these systems are still in place and functioning effectively.

An institutional assessment of the OAV was undertaken, and extensive training of personnel at both the local and central levels was provided in themes such as the role and function of the OAV within the PM, and techniques for providing victim assistance. An automated case registry system was designed and installed at 28 different OAV offices at the national level, with extensive support provided to offices at Justice Center locations. Strategic planning was provided as was assistance in establishing a national network of civil society groups and other victims' services providers.

The Justice Program assisted UNICAP, the PM's training unit, in the development of three training modules that were utilized at the regional level through the Justice Centers with the participation of UNICAP trainers. The training modules were based on three training manuals produced and published with Justice Program assistance: (1) Management of the Crime Scene and Preserving the Chain of Custody; (2) Handling of Technical Proof; and (3) Technical Interrogation Techniques.

In 2002, with the arrival of the second Attorney General during the Justice Program, the PM embarked upon an aggressive institutional reengineering process with the general objective of making the institution more efficient and responsive to the needs of the Guatemalan society in the prosecution of crimes. Actively supporting the reengineering process, and in close coordination with the Norway/UNDP project, Checchi was able to incorporate many of the systems and methodologies that had been designed and piloted in the DA Offices in the departments. During the option period the following results were achieved in the PM:

- Technical support for the design and implementation of the institutional reengineering plan include those related to the:
 - Restructuring of the specialized "*Fiscalías de Sección*" and the departmental DA Offices in order to make the prosecution function more efficient and effective, and to improve the utilization of human and financial resources;
 - Development of Job and Function Manuals to avoid duplication of functions and clearly define the separation of administrative and prosecutorial functions;
 - Development of manuals for evidence handling and chain of custody;
 - Restructuring of the Guatemala City Metropolitan DA's Office to improve efficiency and to establish better coordination with other justice sector institutions. This implied changing the case distribution and handling system from one based on generalized intake units ("*turnos*") to one based on crime specialization, including the creation of a specialized Homicide Unit;
 - Development and support for implementation of an institutional agreement regarding the improvement of coordination of criminal investigations with the NCP (through the Ministry of Government). The Criminal Investigation Agreement was presented in workshops with all DAs. At the local level, the implementation of the Agreement was carried out through the CUs in each Justice Center.
 - The incorporation of the SACE evidence handling systems, previously implemented in Justice Center locations, into the reengineering plan.

- Technical support to the OAV regarding the implementation of the National Network of Victims' Services Providers, including:
 - Identification of civil society organizations providing victim's services at the local and national levels;
 - Coordination meetings with the OAV and the identified organizations to define the network's objectives and to establish institutional commitments for support;
 - Support for the establishment of a coordinating entity for the national network of victims' services providers; and
 - Publication of two directories detailing information regarding the member organizations of the network as well as the OAV offices.
- With the purpose of improving internal coordination between the departmental DAs Offices and the high level authorities of the PM, the Justice Program facilitated monthly meetings with all District Attorneys during which administrative, professional and technical issues were discussed and policies disseminated.
- The Justice Program worked closely with the PM on the design of tools and procedures to improve control of the performance of prosecutors through the SICOMP system. The connection between the PM's SICOMP system and the NCP's SIPOL system improved coordination and information exchange.

2. Comparison of Actual Results with Expected Results in the Public Ministry

Although during the initial contract period the PM demonstrated little political will to implement the recommendations set forth in the institutional assessment, many were subsequently addressed as a part of the reengineering plan and as part of the support provided to the PM during the final phase of the option period. In both the OAP and the OAV, most of the expected results were met. The design and implementation of the SACE evidence systems at the Justice Center level as well as the system for the assignment of and filing of cases at the central level, have proven to be key pieces of the reengineering plan. With the change in the Attorney General, a new working relationship was established with the PM, and many aspects of the reengineering plan are well on their way to being accomplished. Other significant reforms contained within the reengineering plan must be addressed in the future, however, if the institution is to play an optimum role in the Guatemalan justice system.

The original contract contemplated Justice Program support toward strengthening a sustainable UNICAP. Although these expected results were partially met, as described above, it must be noted that the Training Unit could not be institutionally strengthened and made truly sustainable as initially contemplated.

3. Reasons Why Expected Results Were Not Met and Lessons Learned in the Public Ministry

For political reasons, some of the expected results required in the initial contract, as well as some of the recommendations in the institutional assessment, were not completed, including the strengthening of the PM's administration and UNICAP. During the first four years of the Justice Program, the MP lacked effective leadership. PM management was not committed to implementing meaningful changes. The influence of powerful outside groups that were closely affiliated

with members of the PM's leadership structure presented substantial impediments to reform. These influences were manifested in the PM's negative reaction to the institutional evaluation. They also undermined the institution's ability to reach agreement regarding the coordination of criminal investigations with the NCP. A further complication was the existence of other donors, e.g. UNDP/Norway and MINUGUA, that had a different vision on the structure of DA offices, most importantly the *Sistema de Turnos*.

With a change in leadership of the PM and the nomination of the third Attorney General during the Program term, and with the arrival of the new Berger Government in 2004, there was a renewal of political will. As a consequence, during the last phase of Program execution some important results were reached.

Lessons learned with respect to the institutional strengthening activities in the PM are as follows.

- As with the Justice Center model, in order for piloted activities to be adopted at the national level, there must be political will for reform at the leadership and management levels of the institution;
- Proposals for reform developed by the MP were more sustainable when counterpart contributions were required, as with the evidence handling systems;
- Justice Program assistance was very technical in focus. In addition to this type of assistance, more attention should have been paid to strengthening internal processes to effectively allocate and/or invest limited internal resources.
- The Justice Program should have taken better advantage of its strong contacts with the civil society at the central level to open opportunities for such organizations to pressure institutions for more meaningful reform. Such groups should play a key role in monitoring of the reforms as well. Civil society groups established the Victims Assistance Network of Victims Services Providers, which facilitated the participation of NGOs within the OAV and increased the visibility and support received by the OAV at the institutional level.
- Insufficient attention was paid to strengthening the PM's capacity to lobby for an adequate budget allocation from the Congress and Executive Branch.

B. PUBLIC DEFENSE INSTITUTE (PDI)

1. Justice Program Accomplishments in the PDI

The PDI was created in 1998 as an autonomous institution as a consequence of the Guatemalan Peace Accords. Support towards the institutional strengthening of the PDI was limited to the first phase of the Justice Program, as a continuation of the support USAID provided through MINUGUA (1996-1999).

The Justice Program provided extensive technical support for the design of the institutional structure of the PDI as eventually manifested in the internal PDI regulation (*“Reglamento Interno de Trabajo y Disciplinario y Reglamento de Servicio Acuerdo 04-99”*). More specifically, these results included the following:

- Design and implementation of a manual of jobs and functions and systems for professional and administrative human resource selection;
- Design and implementation of a national level case management system;
- Design and implementation of a national level statistics system;
- Creation of a Supervision Unit, responsible for the application of the disciplinary regime as well as supervising technical defense performance;
- Institutional strengthening and technical support to the PDI Training Unit, including training programs in case management;
- Institutionalization of the “*Revista del Defensor*” periodic journal which allowed the public defenders to share field experience and carry out investigations on different criminal process subjects; and
- Creation of an appeals unit, responsible for taking cases to higher courts.

Additionally, Checchi assisted with the training of all the public defenders at the national level, through both classroom and accompaniment-based methodologies. Particular emphasis was placed on increasing the technical capacity of the public defenders, including training in appellate practice. As a result of the training, for example, the number of appeals filed by public defenders increased dramatically throughout the period in which technical assistance was provided to the PDI.

2. Comparison of Actual and Expected Results in the PDI

For the most part, the Justice Program met expectations for the PDI in achieving sustainable capacity in the areas of planning, administration, management and human resource training. With the drafting and implementing of the PDI Regulation, many of the bases for important organizational reforms were established. Important results were achieved in establishing administrative guidelines, a merit-based selection process, and the implementation of a system to collect statistics. Other provisions of the Regulation were not properly implemented and were severely impacted by drastic budget cuts to the PDI in 2002. This was particularly the case with regard to the supervision unit which, after 2002, suffered major personnel cutbacks. It was forced to limit its activities in criminal investigations and was unable to monitor or evaluate the defenders’ technical performance.

Further complicating the situation was the existence of an IDB loan program with which coordination proved difficult. This had a particularly negative impact in the field of training, where the IDB implemented a distance-based training strategy inconsistent with the more traditional in person and accompaniment training proposed and executed by the Justice Program.

3. Reasons Why Expected Results Were Not Met and Lessons Learned in the PDI

The principal reasons for failing to achieve some of the anticipated results in the PDI were related to the weak leadership in the institution as well as serious budgetary cutbacks occurring for fiscal year 2002.

Lessons learned in Program execution with regard to the PDI are the following:

- The assistance provided to the PDI proved to be too short in duration and did not allow sufficient time to consolidate the proposed organizational reforms or effectively monitor their implementation. The PDI, being a new institution, had insufficient time to achieve political status within the justice sector, and the Program could have further assisted in this area. This was particularly important in light of the 2002 budget cuts.
- Close coordination with other foreign assistance programs providing collaboration in the institutional strengthening field is fundamental. This is particularly the case with loan programs involving large amounts of funding and fewer controls than U.S. assistance programs.
- Insufficient attention was paid to strengthening the PDI's capacity to lobby for a greater budget allocation from the Congress and Executive Branch.

C. JUDICIAL BRANCH

1. Justice Program Accomplishments in the Judicial Branch

Program support was provided to institutionally strengthen the case handling/tracking system (CAGP) at the central level and improve its capacity to respond to the new functions attributed to it by the Supreme Court. As a result of these efforts, the CAGP, initiated as a pilot project, became the principal court administration model for the Judicial Branch in criminal cases at the national level. Significant effort was also focused on convincing the Criminal Chamber of the Supreme Court to support and eventually institutionalize the case tracking systems at both the Justice Center and national levels. In addition to the FICCs and Criminal Trial Courts in Justice Center locations that were modernized and incorporated into the CAGP system, Checchi supported the design and implementation of the system in four pilot FICCs in the *Torre de Tribunales* in Guatemala City.

In order to instill a vision of modern and effective court management techniques, numerous visits to Chile, Costa Rica and El Salvador were organized for Supreme Court Magistrates as well as CAGP personnel. As a result of these visits, the system of bar codes was implemented in the CAGP at a national level in order to improve the functioning of the case tracking system. Another result of these visits was the Court's authorization for the assessment and design of the Model Court.

The Model Court study was carried out with the active participation of FICC and Criminal Trial Court Judges as well as with Appeals Court Magistrates. The purpose of the Model Court exercise was to determine and establish possible solutions for problems in the performance of the FICC and Criminal Trial Courts, primarily relating to compliance with the procedural time frames required by the CPC. Based in part on the oralization component as well as the CAGP system, extensive legal and administrative reforms were proposed as a part of the Model Court. The Model Court was presented to and approved by the Criminal Chamber of the Supreme Court and will be shortly implemented.

The oralization project was also a result of the coordination established between the Criminal Chamber and the Justice Program. The Criminal Chamber supported the oralization project at the CU level but also distributed a directive that institutionalized it at the national level. The Criminal Chamber was responsible for authorizing all plans for remodeling hearing rooms as well as related trainings for judges and court personnel. Additionally, the Justice Program supported the Criminal Chamber with the development of an Oralization Training Module that was later institutionalized in the Judicial Training School. Upon the Criminal Chamber's request, Checchi assisted with forming a group of FICC and Trial Court judges to periodically analyze and produce institutional guidelines regarding the most common problems faced by the judges at the local level.

2. Comparison of Actual and Expected Results in the Judicial Branch

Modernized court administration systems were implemented in each of the FICCs, and in many of the Criminal Trial Courts in Justice Center locations, as contractually required, producing very positive results. The CAGP in Guatemala City, though initiated with previous USAID support, was initially only a pilot project and had little institutional support within the Judicial Branch. The Justice Program provided the CAGP with the institutional framework that facilitated its consolidation and expansion as more services were incorporated. The Program supported the CAGP in order for it to continue functioning until the Judicial Branch was able to institutionalize the function. This support included the remodeling of physical space, the hiring of interns, the donation of office equipment and the provision of technical assistance in the design and implementation of internal procedures.

Oralization began as a pilot plan in the CUs and was not included as an expected result in the initial contract. With its increasing successes, however, oralization was later fully incorporated into the option contract as a central requirement for each Justice Center.

3. Reasons Why Expected Results Were Not Met and Lessons Learned

As described above, results exceeded expectations in the Judicial Branch. The CAGP system was institutionalized at the national level and the oralization model is well on its way to become an integral part of FICCs at the national level.

Lessons learned in working with the Judicial Branch are as follows:

- The development and design of Program activities, particularly those relating to the Judicial Branch, must be collaboratively designed to effectively identify problems and propose practical, feasible and effective solutions.
- Political support of the highest authorities of the Judicial Branch is necessary for ensuring effective implementation and sufficient institutional support of Program activities. The Criminal Chamber of the Supreme Court, the principal Justice Program counterpart in the Judicial Branch, was overly bureaucratic at times, which affected the implementation of the case tracking systems and the remodeling of hearing rooms for the oralization activities. More rapid results could have been achieved with more agile approval mechanisms.

- The Supreme Court assigned projects to particular individual Supreme Court Magistrates, a practice that limited the wide-scale sharing of information and appropriation of the models and proposals by other members of the Court. It also caused a great deal of competition or “turf battles” among magistrates, and limited the Program’s ability to influence activities of the Modernization Unit.
- Sustainability of Program efforts should have been secured from the beginning, and the failure to do this resulted in more delay in reaching expected results than was necessary. The Supreme Court was not prepared financially or structurally to change and standardize the software used in the case tracking systems. The Justice Program donated Oracle software licenses to the Court in order to standardize the software platforms at the national level, but these licenses were only used in Guatemala City. The Court lacked the technical personnel and the political will to be able to convert all case tracking systems to the more modern Oracle platform. Therefore, the case tracking systems in the interior part of the country are still in Visual Fox Pro while the CAGP in Guatemala City uses an Oracle-based platform. Plans are being made to convert the entire system to Oracle in the near future. Similarly, the Information Management Unit of the Supreme Court, with only one full time employee, did not have the technical capacity to support all case tracking systems.
- More coordination should have been undertaken with the Modernization Unit of the Supreme Court, which is responsible for supporting the Information Management Unit. Due to rivalry among Supreme Court Magistrates, the Justice Program was unable to provide direct support to the Information Management Unit. The Criminal Chamber of the Supreme Court, and not the Modernization Unit, supported the case tracking system activities. This inhibited counterpart financing to institutionalize such efforts.

D. JUSTICE SECTOR TRAINING UNITS

1. Justice Program Accomplishments in the Training Units

Justice Program efforts to support the Training Units of the justice sector institutions (the Judicial Training School in the Judicial Branch, UNICAP in the PM and UNIFOCADEP in the PDI) were focused on the development and implementation of training modules. The training modules that were developed and executed with Program assistance include the following:

- Criminal Law (*Teoría del Delito*)
- Criminal Investigation, which was divided into three components
 - Management of the Crime Scene
 - Handling of Scientific Evidence
 - Technical Interrogations
- Criminal Procedural Elements, divided into four components:
 - Constitutional Guarantees and Procedural Principles
 - Alternatives to Trial
 - Parties to the Criminal Procedure (*Sujetos Procesales*)
 - Evidentiary Matters (*Valoración de la Prueba*)
- ADRs
- Indigenous Law

- Oral Trial Skills
- Fundamentals of Judicial Resolutions
- Domestic Violence
- Criminal Responsibility and Conspiracy

Trainings implementing each of the modules described above were undertaken in Zacapa, Quetzaltenango, Escuintla, Petén, Nebaj, Santa Eulalia, El Quiché, Huehuetenango, Chiquimula, and Alta Verapaz.

Furthermore, during the base period, the Justice Program provided extensive assistance to the Judicial Training School. Among other things, this included the design and execution of course modules and teaching methodologies, of training programs for aspiring FICC judges, and course scheduling systems. (See *Annex 5* for a list of publications produced under the Program, most of which are training materials). Assistance was provided for the strengthening of merit-based selection processes for criminal judges and justices of the peace. All courses executed by the Justice Program at the Justice Center locations were carried out under the auspices and with the administrative support of the Judicial Training School.

The Justice Program collaborated in the creation of a training unit at the National Bar Association (the *Colegio de Abogados* or the NBA). Assistance was provided to the NBA in procuring funding for and designing the training unit. In addition, assistance was provided in carrying out training courses under the auspices of this new training unit on the theme of oral trial skills (as part of the oralization project).

2. Comparison of Actual and Expected Results in the Training Units

The initial contract provided assistance to the institutional training programs and units in the justice sector institutions. Although the Justice Program was able to significantly strengthen some aspects of these training units, the units were not considered a priority by the justice sector authorities. This caused funding and investment in such units to be extremely limited. Authorities also had a different vision regarding the utility of the training units. The second Attorney General in the PM, in fact, prioritized an external training unit (CENUJ), which was intended to become an independent law faculty offering specialization programs just for justice sector operators. Because of this, the PM failed to even include UNICAP in its institutional reengineering plan.

For the reasons stated above, much of the assistance provided by the Justice Program in the first phase of the contract was focused on designing and carrying out a series of comprehensive training sessions for all justice sector operators at Justice Center locations. These training sessions were very productive, serving as useful tools for inter-institutional coordination and strengthening of the criminal justice system at the local level.

3. Reasons Why Expected Results Were Not Met and Lessons Learned

A lack of political will and the existence of severe financial constraints were the main reasons for the lack of interest on the part of the justice sector institutions in any integral, meaningful strengthening of the training units. In part, this was related to the lack of a common vision to-

ward training, as well as the existence of intense competition between justice sector institutions for funding and support. During the execution of the Justice Program, there was a tendency toward reducing the budgets of all the justice sector institutions, which had the effect of relegating the training units to the second tier in terms of financial priorities.

Important lessons learned include:

- In a developing country with extremely limited public funds available for justice sector institutions, the feasibility of attempting to strengthen and make separate training units sustainable within each individual justice institution must be carefully considered. A better option in Guatemala may have been (and may still be) to attempt to consolidate the training units into one inter-institutional unit to take better advantage of limited resources. This would encourage more inter-institutional coordination and the adoption of unified standards in the implementation of reformed justice systems.

IMPROVED LEGAL EDUCATION

III. IMPROVED LEGAL EDUCATION

A. JUSTICE PROGRAM ACCOMPLISHMENTS

During the first year of the Justice Program efforts in curricular reform focused on consensus building with the Deans, law professors, GOG officials as well as law students and the civil society. An initial proposal for reforming the curricula was presented to the *Universidad de San Carlos* (USAC). A group of international law professors and other consultants assisted the USAC professors and Dean in the effort to change the curriculum. The selection of courses was made based upon the requirements of various codes. Once the reform was agreed to, the relevant internal regulation of the law school was modified to authorize the new courses.

Based on the outlines of the proposed reform, courses were designed in the form of teaching modules that contained both substantive material and teaching methodologies.

Once the proposed curricular reform was completed, it was delivered to the appropriate academic authorities in November of 2001, was approved by the *Consejo Superior Universitario*, and was to take effect progressively starting in the 2002 academic year at USAC.

Once the reforms were approved, an intensive training program for new law professors as well as for in-service faculty members was prepared and executed. This training program included the design and execution of five modules: (1) an introductory module; (2) communication methods in teaching; (3) methods for higher education; (4) evaluation of the teaching-learning process; and (5) planning the teaching-learning process in higher education.

After the first year of the implementation of the reformed curriculum, it became evident that the content of several of the new courses needed to be created and/or strengthened. Thereafter, the contents and methodologies for several of the new courses were designed and delivered to the USAC. These included constitutional procedure, human rights, indigenous law, agricultural law, environmental law, and forensic medicine.

A plan for expanding the curriculum to areas outside of the central USAC law school was considered. Such a process would expand the curricular reforms to regional centers of the universities, and particularly in areas covered by Justice Centers. In November of 2003 the Justice Program sponsored a seminar on monitoring the curricular reform. A commitment was obtained from the various academic leaders involved in the meeting to extend the curricular reform to the regional centers. Although a second meeting was held in April of 2004 reconfirming the decision to expand the curricular reform, due to the adverse political environment, this has still not been completed.

The Justice Program helped design, in 2002, an externship (“*pasantía*”) program for law students so that they could obtain practical skills by working in the justice institutions. The Dean of USAC approved the program and responsibility was assumed by the *Bufete Popular*. Student externs, after receiving initial training with assistance from the Program, were placed in the Judicial Branch, the Attorney General’s Office and the Institute of Public Defense. The externship program became popular with other institutions such as the Constitutional Court, the *Procuraduría General*, the Ministry of Labor and the penitentiary system, where law student externs were also

placed. The externship program was initiated in 2002 with 38 externs, and has since then been entirely institutionalized by all participating institutions and significantly expanded to include 288 externs (see box).

Externship Program – Statistics (Number of law students acquiring legal practical experience in the Public Ministry, Institute of Public Defense, the Judiciary, and other institutions).		
YEAR/GROUP	Total No. of Stu- dents	% Women
2001 - No. 1	38	53%
2002 - No. 1 and 2	152	54.60%
2003 - No. 1 and 2	227	70.48%
2004 - No. 1 and 2	288	66.31%

In 2003, with a view to initiating an administrative reform process, the Program carried out an extensive evaluation of the administrative and financial procedures and structures existing within the USAC, making a number of detailed recommendations.

In light of Guatemala’s multi cultural, multilingual and multi ethnic character and the general lack of understanding of the legal ramifications of such characteristics, one of the primary targets of the Program was to seek recognition of indigenous rights through a greater understanding of indigenous law. Development of an Indigenous Law Master’s Program was seen as advancing that goal. The Justice Program

assisted in designing the Master’s Program, which was approved by the *Consejo Superior Universitario* of USAC, and provided technical and financial support its implementation. The Master’s Program was formally initiated in March of 2001 and was implemented through a bilateral agreement between the Faculty of Juridical and Social Sciences of USAC and the Institute of Juridical Investigations of the University of Mexico (UNAM). By 2002, the Master’s Program was underway, and all course work was completed for the first graduating class. A thesis requirement was pending as a requirement to obtain the masters degree, which the first group of students undertook during 2002 and 2003.

In preparation for a second group of students in the Masters’ program, to commence in March 2004, the Program contracted an Internal Coordinator to manage the overall Masters’ curriculum. The Program also prepared material for dissemination and provided financial support for foreign deans and other academics that were scheduled to participate. The Program obtained the commitment of the Dean to continue with the Masters’ degree curriculum.

An assessment was carried out of various high level educational standards used by law faculties in Guatemala. The study, “Functioning of the Mechanisms of Accreditation of the Faculties of Law in Guatemala” resulted in a series of discussions among deans of several law schools concerning the establishing of uniform criteria and standards and the creation of a universal accreditation system for law faculties. This effort was executed within parameters defined by the Sub Commission on Professional Excellence. The final product that was developed through technical assistance offered by the Justice Program and finally delivered to the deans was a study on the functioning of systems of accreditation entitled “Criteria and Basic Procedures of Academic Accreditation: the Search for a System of Accreditation for the Faculties of Law.” The document was delivered to the President of the Sub Commission, who was the Dean of the Law School at Rafael Landivar University. The study was presented before the “Permanent Forum of Deans” in which deans from all of the law schools, both public and private, participate. Final action on establishing the recommendations of the study regarding national standards is pending with the Sub Commission.

The Program proposed the redesign of the “lawyers’ exams” or “*los privados*” in order to ensure that graduating lawyers possess the knowledge and skills necessary to carry out their professional responsibilities. These proposals were aimed at an overall restructuring of the certification system based on standards established by the Curricular Reform and Standards of Accreditation of the Faculties of Law from the various universities.

B. COMPARISON OF ACTUAL RESULTS WITH EXPECTED RESULTS

It was expected that the Program would assist in promoting curricular and administrative reforms in the USAC Law School. This included the restructuring of the student practice requirements and the introduction of courses to impart practical lawyering skills to law students. It was contemplated that to the extent practical, the reforms could eventually be extended to other law schools.

It was contemplated that reformed curricula would be completed and approved by USAC and that course modules reflecting the new curricula developed. It was also expected that USAC regional campuses would begin planning for curricular reform. An assessment of the USAC financial and administrative management was envisioned, including the development of implementation plans for the recommended changes.

As noted above, a comprehensive reform of the curriculum at USAC was prepared, courses were designed and the new curriculum was approved and entered into effect. Several new courses for the curriculum were designed and presented to the USAC for implementation. The planned expansion of the curricular reforms to the university’s regional campuses, particularly those that are collocated with Justice Centers, received support at a meeting held in November of 2003 where a commitment was made by officials of the central USAC campus to support the extension of the curricular reforms in the regional centers. Final approval for the expansion and its implementation are still pending.

With respect to the financial and administrative assessment, that process was completed and the final results, including recommendations for restructuring the administrative mechanisms of the Law School, were fully documented in an extensive evaluation of the institution.

The Indigenous Law Masters’ program was assessed, designed and initiated on schedule in March of 2001. This was a highly innovative and important step by USAC because of the need for recognition of the importance of indigenous law and its relationship to the formal legal system in Guatemala. It was a major accomplishment of the Program and complemented the work being done with indigenous peoples in the Justice Centers and in Component 4 on non-formal dispute resolution. The Program intended to continue the Masters’ Degree activity beyond the first graduating class, and the foundations were laid for the second group to enter the program in March of 2004. For reasons discussed below, the degree program remained in a preliminary stage and was not institutionalized at USAC as had been expected.

In the important area of establishing improved standards for university legal education it was anticipated that a thorough assessment/study would be carried out to survey the various standards

currently in use in Guatemala. It was then considered that an Inter-Institutional Committee would be formed to propose standards for discussion and review. It was anticipated that if consensus could be reached within the time period of the Program's option period, Checchi would assist with implementing the standards. A comprehensive assessment of law school standards was completed, and recommendations were fashioned for institutionalizing a national set of academic standards for law schools. Representatives of various institutions, primarily deans of the various law schools, carried the work forward. The Sub Commission on Professional Excellence was charged with making final decisions and recommendations to be implemented.

Finally, although the Program presented a proposal for the redesign of the "lawyers' exams" or "*los privados*" as planned, implementation of the reformed exams in individual law faculties is still pending.

C. REASONS WHY EXPECTED RESULTS WERE NOT MET AND LESSONS LEARNED

Generally, expansion of the curricular reforms and the implementation of the recommendations of the financial and management assessment were impeded by several factors outside the control of the Program. First, and most importantly, political factors played a decisive role. The election of the new Dean during the academic year 2003-2004 was extremely politicized, and resulted in putting on hold most important decisions. These included the expansion of the curricular reform and implementation of the recommended administrative/financial restructuring. The change in the Dean and the law school administration at USAC had an adverse impact on the Program, particularly because it slowed the critical momentum that was necessary in order to achieve the expected results within the time period of the contract.

Despite the commitments made by the Program and by some counterparts and USAID representatives to continue and expand the Indigenous Law Master's program, a series of political factors prevented that from happening. Most important among these was again the highly political process of the election of a new Dean at USAC, which created significant obstacles in terms of making decisions that were necessary for a continuation of the degree program.

Regarding the certification process, although much positive and useful discussion took place among the deans through various forums, the Sub Commission has not actively pursued its responsibilities in completing the task. It simply failed to hold meetings or take other actions that would move the process forward. This bureaucratic inertia was not fully understood at the outset of the option period. Had this problem been more apparent earlier in the process, the Justice Program might have been able to find alternatives and move the agenda so that the system could accept and implement the newly devised education standards within the option period. Although it was clear that many law school deans were in agreement on the need for reform in terms of adopting improved, uniform standards, the "political will" for accomplishing such reform was lacking, in large part because of economic interests of some of the private universities. Although the Program relied heavily upon the Dean at USAC to spearhead many of the Program's initiatives in the legal education component, it might have proven beneficial to target other key leaders in the legal education community to help in generating the political environment necessary to implement the reform.

Political and economic environments similarly have impeded progress with regard to the implementation of the new lawyers exams. New leadership among the representative deans would be necessary for successful future action in this area to overcome the strong economic and political factors against adopting these new exams.

Lessons learned include:

- Any continued activities similar to the Program's interventions at USAC and other law schools should take into account the bureaucratic and political problems inherent in the university environment in Guatemala. Early efforts to mobilize a broader base of leadership in effecting reforms would be advisable.
- In legal curriculum reform activities, it is not sufficient to recommend changes in the curriculum. Assistance must also be provided in the design of course modules to implement the curriculum reforms.

Section IV

**PROMOTION OF NON-FORMAL DISPUTE RESOLUTION
AND LINKAGES WITH THE FORMAL JUSTICE SYSTEMS;
CONSOLIDATION OF COMMUNITY ADR CENTERS**

IV. PROMOTION OF NON-FORMAL DISPUTE RESOLUTION AND LINKAGES WITH THE FORMAL JUSTICE SYSTEMS; CONSOLIDATION OF COMMUNITY ADR CENTERS

Component 4 of the Justice Program began with the establishing of greater understanding by indigenous groups of their legal rights as well as greater awareness by the formal sector of indigenous legal practices. The Program focused on increasing use of customary law and non-formal techniques in dispute resolution, and establishing linkages between customary law and the formal justice system. The Program's focus during the Option Period was to consolidate the existing community ADR centers and to ensure their sustainability.

A. JUSTICE PROGRAM ACCOMPLISHMENTS

At the beginning of the Program, an extensive study was undertaken regarding the relationship of the formal justice system and issues relating to the indigenous population and indigenous law. Detailed recommendations were made regarding the need to train and hire more interpreters and recognize and apply indigenous law. The results were broadly disseminated through a series of workshops with the civil society and various justice sector institutions, including the Supreme Court and the Justice Strengthening Commission. Several of the recommendations made in the report have been implemented, including sensitivity training to justice sector operators in indigenous issues, inclusion of ethnicity and linguistic information in case tracking and other record keeping systems.

Significant advances were made by the Program through the Executive Committees of the Justice Centers and their subcommittees in the area of raising awareness of indigenous persons regarding their rights and responsibilities under the formal system. Likewise, awareness by the justice sector actors of the importance of indigenous law, particularly with respect to informal methods of dispute resolution, was heightened by training and dissemination programs in the JCs, and in particular through the ECs. Programs were developed to encourage mediation activities and the recognition of indigenous law by justices of the peace. Ten JCs now have specialized commissions in indigenous law and ADRs that continue to function.

Furthermore, as a method to increase the use of ADRs and the recognition of indigenous dispute resolution mechanisms, the Justice Program established and supported sixteen Community ADR Centers (CACs) in eight different departments. The Centers encompassed seven different linguistic and ethnic groups. After carrying out an extensive assessment of the use of ADRs in five different linguistic communities (including the types of conflicts, the existing institutions and the methodologies used to resolve conflicts), the Program designed a model CAC and used the Model's basic blueprint to guide the establishment of the Centers. Each Center, however, was encouraged to innovate, creating its own distinguishing features to reflect the local culture and language of the community being served. The authority to make decisions on mediated complaints, the type of conflicts that are most regularly presented for mediation, and the internal management and schedule of the CACs differ from department to department, depending on local customs.

The Program assisted in consolidating and making the CACs sustainable through initiatives that aimed at increasing their acceptance by the various communities and building local political support. These initiatives included encouraging local participation in the planning process, training of local leaders, participatory selection processes for mediators and extensive dissemination activities. Simple management organization and the building a network of community mediators also helped to strengthen the CACs and make them viable.

As it was developed, the network gave the CACs a means of communication with other mediation groups and provided methods of information exchange as well as joint training opportunities. The regional coordinators of the CACs were responsible for monitoring mediation activities and expanding the network to consolidate the CACs. The Alternative Association for Peace in Quetzaltenango⁵ joined forces with the network, and incorporated members of the network into its own governing body or *Junta Directiva*, which was then transformed into the governing body of the network. The officers and directors of the governing body represent various regions and departments of the country. This has the advantage of bringing diverse interests together and in institutionalizing the CACs on the national level.

The Program worked to promote the integration of the regional coordinators into the Executive Committees of the Justice Centers in order to promote mediation and obtain greater coordination in the resolution of community conflicts. The Justice Centers held two annual meetings of the coordinators along with other members of the Executive Committees with the aim of strengthening linkages, exchanging experiences and providing training. Educational and public information materials were developed to inform the public about the Centers; radio spots were broadcast in Spanish and six other languages throughout the departments. Other material was distributed in communities by the regional coordinators.

The Program provided financial support, and beginning in December 2003 limited its support to begin the process of making the CACs sustainable. Costs covered by the Program included certain logistical expenses, reproduction of information, local guard services and salaries for the coordinators. The amounts per CAC varied from 600 to 1200 quetzales each month. (A list of the Community ADR Centers and their locations appears in *Annex 6*).

The impact of the CACs can be measured in terms of the coverage of the services. The CACs are located in twelve villages (*aldeas*) and one municipality, covering 178 communities with a total beneficiary population in excess of 100,000 persons. Two hundred and forty seven (247) community members have been trained as community mediators. Of that number, 23 mediators work through the CACs and around 30 more work directly from their homes. As mentioned, the mediators maintain the network of CACs and monitor their work; they also select candidates to be regional coordinators from among their own group.

The CACs have handled approximately 3,169 cases related to interpersonal conflict, which are principally family, property and neighborhood disputes. Information collected from the coordinators indicates that 80% of the cases have been resolved through agreements between the parties, and of these, 80% are eventually enforced. These statistics, while anecdotal, are derived from

⁵ The Association has been an active partner in the development of the CACs and was instrumental in USAID's former activity that concentrated on informal dispute resolution.

interviews with the various parties and mediators in the communities involved and through persons referred to the Centers who have learned of the successful outcomes. See *Annex 6*.

An additional impact that is highly significant is the increased involvement of local institutions in the mediation process. Local authorities such as the assistants to the mayors, municipal councils, the National Civil Police, and justices of the peace have participated by referring cases for mediation and actively joining in their resolution. They have also assisted in the process of validating the settlement agreements as necessary.

B. COMPARISON OF ACTUAL RESULTS WITH EXPECTED RESULTS

The Justice Program realized contract expectations in both the initial and the option contract periods. Awareness of the availability of ADRs as well as the use of indigenous law greatly increased as a result of Justice Program activities. Through the establishment of the 16 CACs more agile alternative dispute resolutions mechanisms were established and strengthened. To the extent that a national network of CACs was created, expected results were exceeded.

C. REASONS WHY EXPECTED RESULTS WERE NOT MET AND LESSONS LEARNED

Although all expected results were achieved, more coordination should have been achieved between the CACs and the court-annexed mediation centers, which was made difficult by certain political problems in the Supreme Court and the fact that the creation of the court-annexed centers was dependent on the Modernization Unit.

In the field of indigenous law, while ties between the formal justice sector and local community ADR mechanisms were established and strengthened at the local level, principally through the CAC and Justice Center contexts, this was not institutionalized at the national level. This could have been accomplished through a national law to recognize indigenous dispute resolution, which would have brought the benefits of the pilot experiences of the communities to the national level. This might have been facilitated by direct support for the lobbying efforts of local and national level NGOs working in indigenous law.

ANNEXES

SPANISH TRANSLATION OF EXECUTIVE SUMMARY

ANNEX 1: SPANISH TRANSLATION OF EXECUTIVE SUMMARY

RESUMEN EJECUTIVO

Al momento en que Checchi and Company Consulting, Inc. inició la implementación del Programa de Justicia de USAID en 1999, Guatemala recientemente concluía un prolongado período de guerra civil caracterizado por conflictos raciales, gobiernos militarizados no democráticos, debilidad institucional a nivel global y la falta de acceso a la justicia. Los Acuerdos de Paz de 1996 crearon el marco para el establecimiento de garantías para la reforma de sistema judicial, la protección de derechos humanos y la inclusión de grupos étnicos en el sistema político, entre otras. Los Acuerdos de Paz establecieron en materia de justicia una base tripartita que incluyó: (1) un sistema de justicia formal modernizado y más efectivo; (2) un aumento en el uso de mecanismos alternativos de resolución de conflictos; y (3) el reconocimiento e incorporación del derecho consuetudinario que responden a las necesidades particulares de la realidad guatemalteca. Bajo otro proyecto previo al Programa de Justicia, USAID inició la implementación de reformas en acorde con los Acuerdos de Paz, por lo que el Programa de Justicia fue diseñado para brindar asistencia en la consolidación de los compromisos contenidos en los Acuerdos de Paz. El trabajo de Checchi como parte del Programa de Justicia inició en junio de 1999 y se extendió hasta octubre del 2004, incluyendo el periodo de ampliación del contrato. Este Informe Final está estructurado alrededor de los cuatro componentes que fueron implementados por el Programa de Justicia.

A. Apertura, Expansión e Institucionalización del Modelo de Centros de Justicia

Uno de los logros principales del Programa de Justicia fue la expansión e institucionalización de los Centros de Justicia en el Interior de la República. Al inicio del Programa existían cinco Centros de Justicia desarrollados bajo el proyecto anterior. Checchi se responsabilizó contractualmente por el establecimiento de seis Centros adicionales durante el período base del contrato y cuatro Centros más durante el período de ampliación. No obstante, Checchi implementó doce nuevos Centros de Justicia, excediendo el número contractualmente requerido. Una tarea fundamental en el trabajo técnico desarrollado fue la ampliación del alcance y de las actividades de los centros pilotos originales, al igual que la definición de los modelos que integraban el Centro de Justicia, incluyendo: Unidad Coordinadora, Comité Ejecutivo, Sistemas de Gestión Penal y Centros Comunitarios de Resolución de Conflictos.

Las Unidades Coordinadoras están integradas por operadores de justicia a nivel local, incluyendo jueces, fiscales, defensores públicos y policías, y están diseñadas para mejorar la coordinación interinstitucional y establecer compromisos para el mejor funcionamiento de la administración de justicia a nivel local. El Programa brindó asistencia técnica para la efectividad de los procesos en juicios penales conforme al Código Procesal Penal (CPP) por medio de un plan de oralización de la etapa preparatoria. El plan de oralización fue implementado en 17 Juzgados de Primera Instancia Penal y ha sido aprobado al nivel nacional.

A través de las Unidades Coordinadoras se trataron temas relativos a: la coordinación de investigación criminal, aumento en el uso de mecanismos alternativos de resolución de conflictos y el desarrollo de planes locales para la prevención del delito. Las Unidades Coordinadoras lograron un nuevo nivel de coordinación interinstitucional en el sector justicia, sirviendo como mecanismos locales de coordinación para la solución de problemas así como la implementación de reformas.

Los Comités Ejecutivos son otro de los modelos que forman parte del Centro de Justicia y mediante ellos se produce la acción conjunta entre operadores de justicia y organizaciones de la sociedad civil. Con ellos se facilita el diálogo, se promueven actividades educativas relativas al sistema de justicia, así como la promoción de reformas al mismo sistema. Los Comités Ejecutivos se constituyeron en entidades con reconocimiento y personería jurídica propia bajo las leyes de Guatemala. En la actualidad los Comités Ejecutivos son herramientas importantes para garantizar el acceso a la justicia a indígenas, mujeres y otros grupos marginados.

Algunas de las organizaciones que conforman los Comités Ejecutivos incluyen ONGs locales, autoridades municipales, líderes comunitarios, instituciones gubernamentales, universidades y operadores de justicia. El Programa de Justicia brindó asistencia técnica a los Comités Ejecutivos para generar capacidad instalada en la formulación de sus planes y agendas de trabajo. Se crearon Comisiones para tratar temas de interés como la prevención de linchamientos, Violencia Intrafamiliar, Derecho Indígena, Solución Alternativa de Conflictos y Prevención del Delito, entre otros. Los Comités Ejecutivos han desarrollado programas de comunicación para la sensibilización e información sobre diversos temas vinculados a la justicia. Los Comités Ejecutivos han desarrollado la capacidad de operar al nivel nacional y son uno de los grupos de la sociedad civil más efectivos en Guatemala trabajando en temas del sector justicia.

La sostenibilidad del Centro de Justicia se ha asegurado en virtud de una estrategia de apropiación de sus modelos componentes. Debe resaltarse que los Comités Ejecutivos, por contar con su personería jurídica, están en capacidad de gestionar sus propios fondos así como de recibir donaciones de fuentes internas y externas para su funcionamiento. En relación con las Unidades Coordinadoras, el Programa de Justicia brindó asistencia técnica para la formulación de un proyecto de ley que le diera marco jurídico a la Instancia Coordinadora para la Modernización de la Justicia para entre otras cosas institucionalizar las Unidades Coordinadoras y los Centros de Justicia incluyendo su personal. El modelo de Unidad Coordinadora fue adoptado por los Centros de Administración de Justicia de la Instancia así como por otros operadores de justicia en lugares donde no operan los Centros de Justicia. Además, se ha establecido una red nacional de Centros de Justicia que promueve sostenibilidad, y esfuerzos de coordinación interinstitucional se han convertido en la norma al nivel nacional.

B. Sostenibilidad Institucional y Reforma de Políticas en el Sector Justicia

El Programa de Justicia brindó asistencia técnica en tres instituciones del sector justicia: el Ministerio Público, el Instituto de Defensa Pública, el Organismo Judicial y sus respectivas Unidades de Capacitación. En relación con el Ministerio Público, el Programa de Justicia realizó una evaluación comprensiva de la institución, en la cual se identificaron serios problemas de estructura, gestión y utilización de sus recursos humanos. Como resultado de la evaluación se

formularon recomendaciones, incluyendo el mejoramiento de la coordinación de la investigación criminal, el establecimiento de un plan integral de capacitación, la reestructuración de las Fiscalías Distritales y la implementación de un régimen disciplinario interno. Dicha evaluación fue presentada al Ministerio Público y pese a que fue formalmente aceptada, la asistencia técnica que procuraba revertir la situación descrita en el diagnóstico fue difícil de concretar. No obstante, Checchi logró modestos resultados en algunas áreas tales como el fortalecimiento de las Fiscalías Distritales en lugares donde se establecieron Centros de Justicia y el fortalecimiento de las Oficinas de Atención a la Víctima y el fortalecimiento de la Oficina de Atención Permanente a nivel Central. Otros aspectos en que se lograron ejecutar acciones incluyeron el manejo de archivos y la implementación de Almacenes de Evidencia. Además, se elaboraron módulos de capacitación en coordinación con UNICAP con el propósito de mejorar el desempeño.

A partir del 2002 con la designación de un nuevo Fiscal General, el Programa apoyó la elaboración de un plan de reingeniería institucional que contempló aspectos como: la reestructuración de las Fiscalías Distritales, la creación de manuales de puesto y funcionamiento, manuales para el manejo de evidencia y cadena de custodia, y la implementación de un acuerdo para la coordinación de la investigación criminal. Finalmente, Checchi apoyó la implementación de las iniciativas de este plan en las Fiscalías Distritales.

El apoyo al Instituto de Defensa Pública estuvo limitado a la primera fase del Programa de Justicia. El Programa apoyó el diseño y la implementación de un reglamento interno, ofreció apoyo técnico para la elaboración de sistemas para el manejo de casos, el diseño e implementación de un sistema estadístico y control de gestión, la creación de una unidad de supervisión y el fortalecimiento de la unidad de capacitación. Checchi también brindó asistencia para la instalación de una Unidad de Impugnaciones.

La asistencia al Organismo Judicial se concentró inicialmente en el fortalecimiento e institucionalización del Centro Administrativo de Gestión Penal. De igual manera el Programa brindó asistencia técnica para el diseño, implementación e institucionalización de los Centros de Gestión Penal en el interior del país. Adicionalmente, el Programa de Justicia diseñó y colaboró en la implementación de un plan de oralización de la etapa preparatoria el cual se implementó en todos los Juzgados de Primera Instancia Penal en jurisdicción de los Centros de Justicia.

El Programa de Justicia ejecutó un extenso plan de capacitación a nivel local en coordinación con las Unidades de Capacitación del Sector Justicia lo que implicó la elaboración de módulos en temas tales como: derecho penal, investigaciones criminales, procedimiento penal, mecanismos alternativos de resolución de conflictos, derecho indígena y técnicas en oralidad. También se apoyó a la Escuela de Estudios Judiciales en el diseño e implementación de los cursos para aspirantes a jueces, y se trabajó en el establecimiento de una unidad de capacitación en el Colegio de Abogados.

C. Mejoramiento en Educación Legal

El Programa de Justicia concentró sus esfuerzos en la asistencia técnica para la reforma curricular en la Universidad de San Carlos. Se realizó mediante un trabajo coordinador ente profesores universitarios y consultores nacionales y extranjeros. La propuesta de reforma

curricular fue aprobada y puesta en ejecución en el Campus Central. El nuevo currículo elaborado fue adoptado en el 2001 y diseñado para entrar en vigencia progresivamente a inicios del año académico del 2002. Algunos de los cursos introducidos bajo el nuevo currículo incluyen: procedimiento constitucional, derechos humanos, derecho indígena y medicina forense. El Programa de Justicia brindó asistencia técnica para el diseño de estos cursos tanto a nivel cualitativo como metodológico.

Un programa de pasantías para estudiantes de derecho fue diseñado para permitir que los estudiantes puedan obtener destrezas prácticas por medio de prácticas en las instituciones del sector justicia, y a su vez aumentar su conocimiento del derecho. Esta iniciativa se institucionalizó en el Bufete Popular de la USAC la cual se encarga de dar una capacitación inicial a dichos estudiantes, esta iniciativa se ejecuta en el Organismo Judicial, el Ministerio Público y el Instituto de Defensa Pública. El Programa también realizó una evaluación de los procedimientos administrativos y financieros de la facultad de derecho de la USAC, de la cual surgieron varias recomendaciones. Adicionalmente, el Programa asistió en el diseño de una Maestría en Derecho Indígena en la USAC, la cual fue iniciada en marzo del 2001. Este componente fue implementado mediante un convenio con el Instituto de Investigaciones Jurídicas de la Universidad Autónoma de México y la USAC. En el 2002 el primer grupo de estudiantes completó la Maestría.

Se realizó una evaluación de los estándares educativos utilizados por las facultades de derecho, y se determinó que era necesario implementar estándares uniformes para mejorar los actuales. El Programa brindó asistencia técnica para realizar dicha evaluación en coordinación con varios decanos y se propuso el rediseño de los exámenes técnico profesionales. Factores económicos y políticos han impedido el progreso de estas iniciativas. Principalmente algunas universidades privadas han decidido que la implementación de estándares aplicables a todas las facultades de derecho de Guatemala no favorece sus intereses económicos.

D. Resolución Informal de Conflictos y Enlaces con el Sistema de Justicia Formal; Consolidación de los Centros de Mediación Comunitarios

El Programa se enfocó en aumentar el uso de mecanismos alternativos para la resolución de conflictos. Se realizó un diagnóstico sobre la relación del sistema formal de justicia con el sistema jurídico Maya. Los resultados del estudio fueron diseminados ampliamente. El Programa auspició una serie de talleres con la sociedad civil y varias instituciones, incluyendo la Corte Suprema, para compartir los resultados del estudio y crear las condiciones necesarias para la implementación de recomendaciones. La necesidad de sensibilizar a los operadores de justicia en temas indígenas y la importancia de emplear a operadores de justicia bilingües fueron dos de las principales conclusiones alcanzadas. Además, se implementó una campaña nacional educativa por medio de los Centros de Justicia para aumentar conocimientos sobre los derechos de las poblaciones indígenas y las responsabilidades bajo las leyes reformadas. Igualmente se sensibilizó sobre la importancia de promover mecanismos alternativos para la resolución de conflictos.

Como una manera de aumentar el uso de mecanismos alternativos de resolución de conflictos, se implementaron y fortalecieron 16 Centros de Mediación en ocho departamentos, y al presente

éstos han resuelto más de 3,000 casos. Los Centros se hicieron sostenibles por medio de iniciativas para aumentar su aceptación y apoyo local. La participación local durante el proceso de planificación, la capacitación de líderes locales, y la selección de mediadores durante un proceso participatorio contribuyeron a institucionalizar a los Centros en las comunidades. Además, se impulsó la creación de una Red Nacional de Centros Comunitarios de Resolución de Conflictos la cual ha servido como elementos importante para lograr la sostenibilidad de los mismos.

JUSTICE CENTERS

ANNEX 2: JUSTICE CENTERS

	Justice Center Location	Inauguration Date
1.	Quetzaltenango	1995*
2.	Zacapa	1996*
3.	Petén	March 1998*
4.	Escuintla	May 1998*
5.	Santa María Nebaj, El Quiché**	May 1998*
6.	Santa Eulalia, Huehuetenango**	July 1999
7.	El Quiché	January 2000
8.	Huehuetenango	October 2000
9.	Chiquimula	January 2001
10.	Alta Verapáz	March 2001
11.	Villa Nueva	March 2002
12.	Chimaltenango	November 2002
13.	San Marcos	March 2003
14.	Sololá	July 2003
15.	Jutiapa	September 2003
16.	Baja Verapaz	June 2003
17.	Sacatepequez	March 2004

* Justice Centers inaugurated under a previous USAID-funded project.

** These Justice Centers were transferred to the Executive Secretariat of the ICMSJ and incorporated in the CAJ models in January 2002.

PERFORMANCE INDICATORS

ANNEX 3: PERFORMANCE INDICATORS

Performance Indicator Reference Sheet
Strategic Objective: More Inclusive and Responsive Democracy Intermediate Result: More effective and responsive Criminal Justice System in Guatemala Indicator: Sustainability of the Executive Committees
DESCRIPTION
Precise Definition(s): Percentage of Executive Committees' Activities funded by source different from the Justice Program Unit of Measure: Activities of Executive Committees Disaggregated by: <i>Justice Center / Executive Committees theme-based commissions</i> Justification/Management Utility: The Executive Committees are composed of justice sector operators and civil society organizations operating within the jurisdiction of the Justice Center. AID's Justice Program initially funds its activities, but simultaneously the Program provides tools for achieving the sustainability of such activities. The percentage of activities not funded by the Program reveals both the effectiveness of these tools and the success of the Program in stimulating the Committee's capacity to execute activities on its own.
PLAN FOR DATA ACQUISITION BY USAID
Data Collection Method: Manual recording of activities by Justice Center Coordinator Method of Acquisition by USAID: Contractor's (CHECCHI) Quarterly Report Data Source(s): CHECCHI Frequency/Timing of Data Acquisition: Monthly report submitted by Justice Center Coordinator Estimated Cost of Data Acquisition: US\$ 40 per month Responsible Individual(s) at USAID: Oscar L. Chavarría-Quan
DATA QUALITY ISSUES
Date of Initial Data Quality Assessment: N/A Known Data Limitations and Significance (if any): N/A Actions Taken or Planned to Address Data Limitations: N/A Date of Future Data Quality Assessments: September, 2004 Procedures for Future Data Quality Assessments: Application of Data Quality Sheet by CHECCHI
PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING
Data Analysis: Study of quarterly reports made by CTO, September, 2004 Presentation of Data: Chart Review of Data: Portfolio review, September, 2004 Reporting of Data: Quarterly report
OTHER NOTES
Notes on Baselines/Targets: Baseline is set on the percentage existing as of January 1, 2003. Target: by September, 2004, 100% of the Executive Committees' activities are funded by a source different from the Justice Program Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office Other Notes:
THIS SHEET LAST UPDATED ON: 20 /09 /04

**Percentage of Executive Committees' Activities funded by source different from the Justice Program
2004**

Source of Funding	2003 ¹	2004	
	Percentage	Total Amount	Percentage
Donations	62.58%	\$ 173,700	46%
Projects		\$ 158,000	42%
Justice Program	37.42 %	\$ 42,100	12%
TOTAL	100%	\$ 373,800	100%

¹ Only percentage of other sources of funding was registered.

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Sustainability of the Case Handling Support Units of the Justice Centers

DESCRIPTION

Precise Definition(s): Number of Administrative Case Handling Support Units functioning with technical integration of information processing systems, legal framework and permanent personnel, administratively and functionally institutionalized within nding the Judiciary

Unit of Measure: Administrative Case Handling Support Units

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the sustainability of the Unit integrated as part of the overall administrative system of the judiciary.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Note by Contractor

Method of Acquisition by USAID: Contractor's (CHECCHI) Quarterly Report

Data Source(s): CHECCHI

Frequency/Timing of Data Acquisition: first week of every month

Estimated Cost of Data Acquisition: US\$ 40 per month

Responsible Individual(s) at USAID: Oscar L. Chavarria-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September, 2004

Procedures for Future Data Quality Assessments: Application of Data Quality Sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline is established as the number of units institutionalized by January 1, 2003. Target: by September, 2004, 100% of the units have to be institutionalized

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes: Due to the complexity of this indicator, various data collection methods are necessary to verify each of the components of the indicator. The contractor will consolidate all of them and notify when complete institutionalization has been achieved.

THIS SHEET LAST UPDATED ON: 5/30 /2003

Number of Administrative Case Handling Support Units functioning with technical integration of information processing systems, legal framework and permanent personnel, functionally and administratively institutionalized within the Judiciary

Justice Center	Administrative Case Handling Support Unit Implemented	2003	2004
		Institutionalized with legal framework and within of the administrative structure of the Judiciary	Institutionalized with legal framework and within of the administrative structure of the Judiciary
Quetzaltenango	Centro de Recepción, Registro e Información del Juzgado Primero y Segundo de Primera Instancia Penal	-Pending	Will be incorporated to the Centro Administrativo de Gestión Penal in new judicial building.
	Centro de Recepción, Registro e Información Tribunal de Sentencia Penal	Pending	Will be incorporated to the Centro Administrativo de Gestión Penal in new judicial building.
	Centro Administrativo de Gestión Penal de Juzgado y Tribunal de Alto Impacto	Yes	Yes
Zacapa	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia Penal	Pending	Yes (Acuerdo CSJ 15-2004)
Chiquimula	Centro Administrativo de Gestión Penal (atendiendo los Juzgados de Primera Instancia Ordinarios y de Alto Impacto y los Tribunales de Sentencia Ordinario y de Alto Impacto).	Yes	Yes
Alta Verapaz	Centro Administrativo de Gestión Penal (Secretaría Común) (corresponden al Juzgado y Tribunal de Sentencia Penal)	Yes	Yes
Santa Cruz del Quiché	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia Penal	Pending	Yes (Acuerdo CSJ 15-2004)
	Centro de Recepción, Registro e Información del Tribunal de Sentencia Penal	Pending	Yes (Acuerdo CSJ 15-2004)
Huehuetenango	Centro Administrativo de Gestión Penal del Juzgado de Primera Instancia y Tribunal de Sentencia	Yes	Yes
Escuintla	Secretaría Común del Juzgado de Primera Instancia y Tribunal de Sentencia Penal.	Pending	Yes (Acuerdo CSJ 15-2004)
Petén	Centro de Recepción, Registro e Información Juzgado de Primera Instancia Penal.	Pending	Yes (Acuerdo CSJ 15-2004)
Villa Nueva	Centro de Recepción, Registro	Pending	Yes (Acuerdo CSJ 15-

	e Información del Juzgado de Primera Instancia		2004)
Chimaltenango	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 15-2004)
Baja Verapaz	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 15-2004)
Sacatepequez	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 15-2004)
Sololá	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 40-2004)
San Marcos	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 40-2004)
Jutiapa	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia		Yes (Acuerdo CSJ 40-2004)

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Number of cases tried under the Domestic Violence law

DESCRIPTION

Precise Definition(s): Number of cases where the process established in the domestic violence law has been applied

Unit of Measure: Case

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the attention given to victims of domestic violence by judicial officials.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual study of each individual case

Method of Acquisition by USAID: Quarterly report

Data Source(s): Justice of The Peace's and Family Judges' files

Frequency/Timing of Data Acquisition: Annual report submitted by Consultant

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September, 2004

Procedures for Future Data Quality Assessments: Application of Data Quality Sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2003

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: quantity of annual cases. Target: Pending

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes: There are no statistical tools for setting a specific target

THIS SHEET LAST UPDATED ON: 10/30/2003

Number of cases where the process established in the Domestic Violence Law has been applied.

Justice Center	Number of Cases 2003	Observations
Quetzaltenango	562	
Nebaj	100	Justice Program activities have continued after the Justice Center in Nebaj was transferred to the ICMSJ.
Zacapa	182	
San Marcos	137	
Petén	219	
Cobán	168	
Chiquimula	190	
Villa Nueva	390	
Escuintla	1060	

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Local crime prevention strategies developed

DESCRIPTION

Precise Definition(s): Number of local crime strategies elaborated in a manner consistent with national level policies

Unit of Measure: Crime strategy document

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the commitment of Coordinating Unit in developing its own action plan towards crime, and its subsequent consultation with key local actors (gathered in the Executive Committee)

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual recording by Justice Center Coordinator

Method of Acquisition by USAID: Quarterly report submitted by CHECCHI

Data Source(s): Coordinating Units of Justice Centers

Frequency/Timing of Data Acquisition: Monthly report made by Justice Center Coordinator

Estimated Cost of Data Acquisition: US\$ 40 per month

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September 2004

Procedures for Future Data Quality Assessments: Application of data quality sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: 0 crime strategy documents. Target: by September 2003, all Coordinating Units have produced one crime strategy document.

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20/09/2004

Number of local crime strategies elaborated in a manner consistent with national level policies

Justice Center	Crime Strategy Document 2003	Crime Strategy Document 2004
Quetzaltenango	In process -- to be presented to Executive Committee during first quarter of 2004	Plan elaborated and implementation and follow-up underway by EC members
Chiquimula	In process to be presented 1st. quarter of 2004	
Huehuetenango	Elaborated and presented to Executive Committee	
Escuintla	Elaborated -- pending presentation to Executive Committee	Plan elaborated and implementation and follow-up underway by EC members
Petén	Elaborated, presented and approved by Executive Committee	Plan elaborated and implementation and follow-up underway by EC members
Villa Nueva	Elaborated and pending presentation to Executive Committee	Plan elaborated and implementation and follow
Sacatepequez		Plan elaborated and implementation and follow

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Number of cases taken to trial

DESCRIPTION

Precise Definition(s): Number of writs of accusation submitted by the prosecutor in order to bring a case to trial

Unit of Measure: accusatory instruments

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the quality of and of the management, decision making and monitoring in the prosecutor's office.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Electronic recording by the Administrative Case Handling Unit

Method of Acquisition by USAID: Quarterly report submitted by CHECCHI

Data Source(s): Administrative Case Handling Unit

Frequency/Timing of Data Acquisition: Monthly report submitted by Justice Center Coordinator

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September 2003

Procedures for Future Data Quality Assessments: Application of data quality sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2003

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2003

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: Number of accusatory instruments submitted as of January, 2003.

Target: pending

Location of Data Storage: CHECCHI'S Office, USAID'S Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20/09/2003

Number of accusatory instruments submitted by the prosecutor in order to bring a case to trial.

Justice Center	Number of Accusatory Instruments Submitted by the Prosecutor During 2003
Quetzaltenango	130
Zacapa	74
Chiquimula	96
Alta Verapaz	146
Santa Cruz del Quiché	19
Huehuetenango	19
Escuintla	43
Petén	46
Villa Nueva	23
Chimaltenango	91
San Marcos	30
Sololá	12
Baja Verapaz	39
Jutiapa	22
Sacatepequez	

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Level of attention (counseling) given to crime victims

DESCRIPTION

Precise Definition(s): Number of cases received and attended by the Public Ministry through the specialized Office for Victim's Assistance (OVA)

Unit of Measure: Victim assistance cases

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the quantity of assistance given to victims by the Public Ministry, through its OVAs.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Electronic recording made by the Officer of the OVA

Method of Acquisition by USAID: Quarterly report submitted by CHECCHI

Data Source(s): Automated Case Registry of OVA

Frequency/Timing of Data Acquisition: Monthly report submitted by Justice Center Coordinator

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September 2003

Procedures for Future Data Quality Assessments: Application of data quality sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2003

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2003

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: number of victims assistance cases attended by January, 2003.

Target: pending

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes: There are no statistical tools that provide information on how to set target

THIS SHEET LAST UPDATED ON: 20/09/2003

Number of cases received and provided assistance by the Public Ministry through the specialized Office for Victim's Assistance

Justice Center	Number of Cases Received and Provided Assistance by the Public Ministry through the OVA during 2002	Number of Cases Received and Provided Assistance by the Public Ministry through the OVA during 2003
Quetzaltenango	474	399
Zacapa	263	203
Chiquimula	OVA not functioning	OVA not functioning
Alta Verapaz	180	140
Santa Cruz del Quiché	633	426
Huehuetenango	566	527
Escuintla	301	205
Petén	OVA not functioning	OVA not functioning
Villa Nueva	388	398
Chimaltenango	503	385
San Marcos	273	241
Sololá	33 (only functioned from January – May)	125
Baja Verapaz	167	248
Jutiapa	317	162
Sacatepequez		

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Justice System Efficiency

DESCRIPTION

Precise Definition(s): (1) Average processing time of criminal cases from the time of the criminal complaint to either acquittal or conviction (for years 1999-2002); (2) Average processing time for criminal cases from the presentation of the criminal complaint to trial readiness order (for years 2003-2004) (see notes below for explanation).

Unit of Measure: Month

Disaggregated by: *Justice Center*

Justification/Management Utility: It denotes the efficiency of the work of the Public Ministry and the Judiciary as well as respect for due process guarantees, the statutory limits on pre-trial detention, and the need to diminish case backlogs.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Electronic recording by Administrative Case Handling Unit

Method of Acquisition by USAID: Quarterly report submitted by CHECCHI

Data Source(s): Administrative Case Handling Unit

Frequency/Timing of Data Acquisition: Annual report

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar Chavarria-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: November, 2002

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September, 2003

Procedures for Future Data Quality Assessments: Completion of data quality sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2003

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2003

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: 9 months. Target: In Justice Centers where oralization took place prior to December 2002, total average case processing time should remain at 9 months (when measured from time of complaint to either acquittal or conviction). When measured from time of complaint to time of the trial readiness, order case processing time in oralized First Instance Criminal Courts should remain below 6 months.

Location of Data Storage: CHECCHI'S Office, USAID/G-CAP Office

Other Notes:

This indicator was designed principally to measure the impact of the Justice Program's support for the oralization of the initial stages of the criminal process in the First Instance Criminal Courts. In setting the targets, certain assumptions were made about the processing times of cases once the First Instance Criminal Court issues a resolution to certify cases' readiness for trial and the case is handed over to the Criminal Trial Court for trial. Due to circumstances beyond the control of the Justice Program, such as large case loads, postponements of trial dates, and the failure of witnesses to appear, assumptions relating

to case processing times subsequent to the First Instance Court's certificate of readiness proved not to be accurate. For the most part, the Justice Program did not provide direct support to the criminal trials at the Criminal Trial Court level.

In 2003, the Program determined that a more accurate measurement of the effectiveness of the Justice Program's support for the oralization of the initial stages of the criminal process would be the length of time from the filing of the criminal complaint to the time of the order certifying trial readiness. Therefore, beginning in 2003 this indicator was measured in this manner.

THIS SHEET LAST UPDATED ON: 9/30/04

Average processing time for criminal cases from the presentation of the criminal complaint to either acquittal or conviction (in Justice Center locations from 1999-2002):

1999: 12.18 months

2000: 14.15 months

2001: 9.11 months

2002: 10.01 months

Average processing time for criminal cases from the presentation of the criminal complaint to trial readiness order (2003-2004)

2003		2004	
For First Instance Criminal Courts (in Justice Center Locations) Oralized Prior to December 2002 (see below for details)	For Non-Oralized First Instance Criminal Courts in Justice Center Locations	For Oralized First Instance Criminal Courts (in Justice Center Locations)	For Non-Oralized First Instance Criminal Courts in Justice Center Locations
5.05 months	6.00 months	5.09 months	6.30 months

Average processing time (disaggregated by Justice Center) for criminal cases from the presentation of the criminal complaint to trial readiness order (for 2003).

Justice Center (First Instance Criminal Courts)	Average Case Processing Time (from complaint to trial readiness order) 2003	Observations
Quetzaltenango Ordinary Court	6.05	Oralized prior to December 2002
Quetzaltenango High Impact Court	4.89	Oralized prior to December 2002
Peten	4.92	Oralized prior to December 2002
Zacapa	4.51	Oralized prior to December 2002
Chiquimula Ordinary Court	4.69	Oralized prior to December 2002
Chiquimula High Impact Court	4.30	Oralized prior to December 2002
Alta Verapaz	5.56	Oralized prior to December 2002
Santa Cruz del Quiche	5.49	Oralized prior to December 2002
Chimaltenango	4.56	Oralized Feb. 2003
San Marcos	5.59	Oralized June 2003
Jutiapa	8.37	Initiated oralization during 2003
Sololá	6.37	Initiated oralization during 2003
Huehuetenango	4.97	Not Oralized
Escuintla	5.18	Not Oralized
Baja Verapaz	5.16	Initiated oralization during 2003
Villa Nueva	7.84	Not Oralized

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Number of students participating in internship programs

DESCRIPTION

Precise Definition(s): Number of law students acquiring legal practical experience in the Public Ministry, the Institute of Public Defense, the Judiciary, and other institutions.

Unit of Measure: Law students

Disaggregated by: *Gender*

Justification/Management Utility: It denotes the appropriate practical education of law students

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual registration of students

Method of Acquisition by USAID: Quarterly report submitted by CECCHI

Data Source(s): Law School department of University of San Carlos

Frequency/Timing of Data Acquisition: twice a year through registration procedures

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September 2003

Procedures for Future Data Quality Assessments: Application of data quality sheet by CECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: total of students who went through internship by January 2003.

Target: pending

Location of Data Storage: CECCHI'S Office; USAID/G-CAP'S Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20/09/2004

Number of law students acquiring legal practical experience in the Public Ministry, Institute of Public Defense, the Judiciary, and other institutions.

YEAR/GROUP	No. of Students	% Women
2001 - No. 1	38	53%
2002 - No. 1 and 2	152	54.60%
2003 - No. 1 and 2	227	70.48%
2004- No. 1 and 2	288	66.31%

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Sustainability of Mediation Centers

DESCRIPTION

Precise Definition(s): Number of mediators whose salary has been assumed by national or international funding

Unit of Measure: Persons

Disaggregated by: *Gender*

Justification/Management Utility: It denotes the sustainability of the services provided by community mediation centers.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual recording by Justice Center Coordinator

Method of Acquisition by USAID: Quarterly report

Data Source(s): Mediation Center

Frequency/Timing of Data Acquisition: Monthly report submitted by Justice Center Coordinator

Estimated Cost of Data Acquisition: US\$ 40 per month

Responsible Individual(s) at USAID: Oscar Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September 2004

Procedures for Future Data Quality Assessments: Application of data quality sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: 0 mediators paid by sources different from the Justice Program.

Target 100% of mediators paid by sources different from Justice Program.

Location of Data Storage: CHECCHI'S Office, USAID/G-CAP'S Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20/09 /2004

All mediators are paid by the Justice Program. Justice Program funding for mediator salaries ended December 2003.

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Expansion of the modernization of justice

DESCRIPTION

Precise Definition(s): Number of Justice Centers open with key functions

Unit of Measure: Justice Center

Disaggregated by: *Geographic area*

Justification/Management Utility: The presence and work of the Justice Centers indicates an increased level of organizational reform and interaction among justice sector operators and civil society is taking place in that specific area.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual recording by CHECCHI

Method of Acquisition by USAID: Contractor's Quarterly Report

Data Source(s): CHECCHI

Frequency/Timing of Data Acquisition: N/A

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar L. Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: 11/04/2002

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September, 2004

Procedures for Future Data Quality Assessments: Application of Data Quality Sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: number of existing centers by December 2002 (12). Target: by the end of 2003, ..., by the end of contract (17).

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20 /09 /04

Number of Justice Centers Open with Key Components Functioning

Number	Justice Center	2003		2004	
		Coordinating Unit Integrated with Key Justice Sector actors	Executive Committee Formed and Operating with a Strategic Plan	Coordinating Unit Integrated with Key Justice Sector actors	Executive Committee Formed and Operating with a Strategic Plan
1	Quetzaltenango	Yes	Yes	Yes	Yes
2	Zacapa	Yes	Yes	Yes	Yes
3	Escuintla	Yes	Yes	Yes	Yes
4	Petén	Yes	Yes	Yes	Yes
5	Nebaj*	Yes	Yes	Yes	Yes
6	Santa Cruz del Quiché	Yes	Yes	Yes	Yes
7	Huehuetenango	Yes	Yes	Yes	Yes
8	Santa Eulalia Huehuetenango*	Yes	Yes	Yes	Yes
9	Alta Verapaz	Yes	Yes	Yes	Yes
10	Chiquimula	Yes	Yes	Yes	Yes
11	Villa Nueva	Yes	Yes	Yes	Yes
12	Chimaltenango	Yes	Yes	Yes	Yes
13	San Marcos	Yes	Yes	Yes	Yes
14	Sololá	Yes	Yes	Yes	Yes
15	Baja Verapaz	Yes	Yes	Yes	Yes
16	Jutiapa	Yes	Yes	Yes	Yes
17	Antigua, Sacatepequez	Yes	Yes	Yes	Yes

* Justice Center was transferred to the Instancia Coordinadora para la Modernización del Sector Justicia Executive Secretary due to the construction of the CAJ (IDB loan)

Performance Indicator Reference Sheet

Strategic Objective: More Inclusive and Responsive Democracy

Intermediate Result: More effective and responsive Criminal Justice System in Guatemala

Indicator: Sustainability of the Justice Center model

DESCRIPTION

Precise Definition(s): Percentage of Justice centers coordinators' salary funded by non-Justice Program sources

Unit of Measure: US Dollars

Disaggregated by: *Justice Center*

Justification/Management Utility: The coordinator of the Justice Center assures the continuation of the organizational models (Coordinating Unit, Executive Committee, and Administrative Case Handling System). The payment of his or her salary by a source different from the Justice Program facilitates the continuation of these functions beyond the life of the Program.

PLAN FOR DATA ACQUISITION BY USAID

Data Collection Method: Manual recording by CHECCHI

Method of Acquisition by USAID: Contractor's Quarterly Report

Data Source(s): CHECCHI

Frequency/Timing of Data Acquisition: N/A

Estimated Cost of Data Acquisition: N/A

Responsible Individual(s) at USAID: Oscar L. Chavarría-Quan

DATA QUALITY ISSUES

Date of Initial Data Quality Assessment: N/A

Known Data Limitations and Significance (if any): N/A

Actions Taken or Planned to Address Data Limitations: N/A

Date of Future Data Quality Assessments: September, 2004

Procedures for Future Data Quality Assessments: Application of Data Quality Sheet by CHECCHI

PLAN FOR DATA ANALYSIS, REVIEW, & REPORTING

Data Analysis: Study of quarterly reports made by CTO, September, 2004

Presentation of Data: Chart

Review of Data: Portfolio review, September, 2004

Reporting of Data: Quarterly report

OTHER NOTES

Notes on Baselines/Targets: Baseline: 0% of the Justice Center Coordinator's salaries are paid by non-Justice Program sources .

Location of Data Storage: CHECCHI's Office. USAID/G-CAP's Office

Other Notes:

THIS SHEET LAST UPDATED ON: 20 /09 /04

For 2003, the base line is 0%.

ADMINISTRATIVE CASE HANDLING UNITS

ANNEX 4: ADMINISTRATIVE CASE HANDLING SUPPORT UNITS

Justice Center	Administrative Case Handling Support Unit Implemented
Quetzaltenango	Centro de Recepción, Registro e Información del Juzgado Primero y Segundo de Primera Instancia Penal
	Centro de Recepción, Registro e Información Tribunal de Sentencia Penal
	Centro Administrativo de Gestión Penal de Juzgado y Tribunal de Alto Impacto
Zacapa	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia Penal
Chiquimula	Centro Administrativo de Gestión Penal (atendiendo los Juzgados de Primera Instancia Ordinarios y de Alto Impacto y los Tribunales de Sentencia Ordinario y de Alto Impacto)
Alta Verapaz	Centro Administrativo de Gestión Penal (Secretaría Común) (corresponden al Juzgado y Tribunal de Sentencia Penal)
Santa Cruz del Quiché	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia Penal
	Centro de Recepción, Registro e Información del Tribunal de Sentencia Penal
Huehuetenango	Centro Administrativo de Gestión Penal del Juzgado de Primera Instancia y Tribunal de Sentencia
Escuintla	Secretaría Común del Juzgado de Primera Instancia y Tribunal de Sentencia Penal
Petén	Centro de Recepción, Registro e Información Juzgado de Primera Instancia Penal
Villa Nueva	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
Chimaltenango	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
Baja Verapaz	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
Sacatepequez	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
Sololá	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
San Marcos	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia
Jutiapa	Centro de Recepción, Registro e Información del Juzgado de Primera Instancia

LIST OF PUBLICATIONS

ANNEX 5: LIST OF PUBLICATIONS

PUBLICATIONS DEVELOPED AND PRODUCED BY THE PROGRAM

1. Módulo Violencia Intrafamiliar
2. Módulo Procesal Penal I
3. Módulo Procesal Penal II
4. Módulo Procesal Penal III
5. Módulo Control de la Acusación
6. Módulo Cadena de Custodia
7. Módulo Pruebas Técnicas
8. Módulo Autoría y Participación
9. Módulo El Debate
10. Módulo Justicia y Multiculturalidad
11. Módulo Teoría del Delito
12. Módulo Escena del Crimen
13. Módulo Investigación Criminal
14. Módulo Aspectos Procesales I
15. Módulo Aspectos Procesales II
16. Módulo Aspectos Procesales III
17. Módulo de Interrogatorios Técnicos
18. Módulo Dogmática Penal: Límite y Control al Ejercicio IUS PUNENDI
19. Módulo de Oralización de la Etapa Preparatoria
20. Módulo para habilitar formadores en Mediación
21. Trifoliar sobre Reforma Curricular -USAC
22. Trifoliar sobre Bufete Popular – USAC
23. Trifoliar sobre Programa de Pasantías – USAC
24. Trifoliar sobre Centro Administrativo de Gestión Penal
25. Maleta de comunicación I – Centros de Justicia
26. Maleta de comunicación II – Instituciones Encargadas de la Administración de Justicia Penal
27. Maleta de comunicación III – Violencia Intrafamiliar
28. Maleta de comunicación IV – La Mediación
29. Separata Instituciones Encargadas de la Administración de Justicia Penal Organismo Judicial
30. Separata Instituciones Encargadas de la Administración de Justicia Penal Policía Nacional Civil
31. Separata Instituciones Encargadas de la Administración de Justicia Penal Ministerio Público
32. Separata Instituciones Encargadas de la Administración de Justicia Penal Instituto de la Defensa Pública Penal
33. Folleto Hablemos de Justicia para Vivir en Paz – Sacapulas
34. Folleto Hablemos de Justicia para Vivir en Paz – Chapul
35. Folleto Hablemos de Justicia para Vivir en Paz – Uspantán
36. Folleto Hablemos de Justicia para Vivir en Paz – Cunén
37. Folleto Comunicación en los Centros de Justicia
38. Revista Facti Novarum... de los hechos, hechos nuevos – USAC-
39. Manual del Juez
40. Diagnóstico sobre Impedimentos para el Acceso de la Mujer a la Justicia en 15 municipios de la República de Guatemala.

41. Diagnóstico comunal e institucional sobre Mecanismos Alternativos de Resolución de Conflictos.
42. Estudio Justicia y Multilingüismo – Pautas para alcanzar una Justicia Multilingüe en Guatemala-.
43. Glosario Justicia Penal
44. Directorio de la Oficina de Atención a la Víctima (2 ediciones)
45. Aplicación del criterio de oportunidad a casos de violencia contra la mujer (Publicado conjuntamente con CICAM-AMVA).
46. Bibliohemerografía Sociología y Antropología Jurídica (USAC-IIJ UNAM)
47. Análisis Interdisciplinario sobre la Constitucionalidad de los Derechos de los Pueblos Indígenas.
48. Análisis Jurídico Código Procesal Penal de Guatemala 1994-2004 (Conjuntamente con CNSAFJ).
49. Folleto sobre Red Nacional de Comités Ejecutivos de Justicia
50. Folleto sobre Modelo Unidad Coordinadora
51. Folleto sobre Modelo Centro Administrativo de Gestión Penal
52. Folleto sobre Modelo Centros de Justicia
53. Folleto sobre Red Nacional de Centros Comunitarios de Resolución de Conflictos
54. La Prevención del Delito en Guatemala (Diagnóstico y Planes de Acción –Flores, Santa Elena, San Benito, Antigua, Escuintla, Quetzaltenango y Villa Nueva-)

PUBLICATIONS FINANCED BY THE PROGRAM

1. Revista del Defensor (2 ediciones) / Instituto de la Defensa Pública Penal
2. Independencia y Carrera Judicial en Guatemala./ Instituto de Estudios Comparados y Ciencias Penales en Guatemala
3. Manual para el abordaje de la violencia contra la mujer / CICAM-AMVA

COMMUNITY ADR CENTERS

ANNEX 6: COMMUNITY ADR CENTERS

Location	Number of Cases Processed				Mediators Trained	Mediators Currently Available
	2001	2002	2003	Total		
Xojola	81	68	140	289	10	2
Chuisanto Tomás	90	69	127	286	10	1
Palín	43	60	51	154	6	2
El Rincón	-	52	64	116	3	1
San Vicente Buenabaj	-	62	157	219	7	1
El Manzanillo	-	152	289	441	20	2
Chex	-	82	124	208	11	2
Xequechelaj	-	105	201	306	8	2
Chocolá	-	75	216	291	4	2
Palacal	-	71	155	226	20	2
Nimlajacoc	-	47	111	158	60	2
Santa Lucía Lachua	-	40	101	141	66	2
Tuixcox	-	44	170	214	11	2
San Miguel Siguilá *	72	30	-	102	5	-
La Emboscada *	-	20	-	20	6	-
TOTAL	286	977	1,906	3,169	247	23

* No current information is available because these ADR Centers have been operating without the Program's support since 2003.